

East Manchester Township
SALDO and Zoning Ordinance Review
And
Planning Commission Minutes
October 22, 2013

The Planning Commission met for a work session at 6 p.m. to continue the SALDO and Zoning Ordinance amendment process. Present: Blaine Rentzel, Robert Nace, Edward Hewitt, and Mike McCowan (arrived at 6:15 p.m.). Also present: Engineer Laymon Mortorff (arrived at 6:36 p.m.), Zoning Officer Jon Beck, Recording Secretary, and one citizen.

Mr. Beck reviewed the changes that were made to the Ordinance from last month's meeting. Section 33, A, in the section to be added, not to be higher than 25 feet (add feet);

Section 34, discussion was held on whether stormwater facilities should be permitted in a front yard, with a minimum front yard setback of 20 feet in a nonresidential zone. Should the front yard setback be more than 20'? No, it's fine the way it is.

The amendments will be sent to the YCPC for review, when all is completed. The animal issue is still outstanding.

Mr. Beck reported that, for beekeeping, the Supervisors requested a setback requirement be placed for the back yard area as well as an acreage requirement for the entire lot. The Board would also like to see an acreage requirement for any animals.

[Mr. McCowan arrived at this point, 6:15 p.m.]

Discussion was held on beekeeping, with reference being made to the sample ordinance of Windsor Township regarding beekeeping.

As for the general keeping of animals, the Planners referred to the sample ordinances of several surrounding municipalities. The Planners need to consider the conditions under which any animals might be kept. Currently, the ordinance does not permit non-domestic animals on any lot under five acres.

Mr. Nace referred to the larger developments in the Township. In those developments, which have lots of 20,000 square feet or smaller, the owners should not be permitted to have any non-domestic animals. In developments of smaller-sized lots, it would likely not be appropriate to have beekeeping. The beekeeping permission should be granted according to lot size and setbacks. So, what lot size should it be? Should 20,000 square feet be the minimum for any kind of animals, except for domestic pets? How about 20,000 square feet for animals ten pounds or under? Under 20,000 square feet, no bees or non-domestic animals at all. Break it down to livestock, bees, and poultry? Non-domesticated livestock, group by weight and lot sizes. [Mr. Mortorff arrived at this point, 6:36 p.m.]

Does the Township need to address exotic animals? Likely not. The main requests have been for chickens and goats. Discussion was held on a beekeeper in the Township who has kept bees without incident for fifty years. This use would be grandfathered in under the ordinance change, particularly since the use has been established for at least five years before the ordinance change. Pre-existing non-conforming uses were discussed. Mr. Mortorff noted that the existing non-conformity would be fine unless and until a change needs to be made, whether from destruction/rebuild, or expansion.

Setbacks for beehives? Twenty-five feet? Mr. Beck read from the state beekeeping requirements. Minimum 10 feet from the property line. Discussion was held on setbacks and different situations under which there could be problems (other animals, machinery such as lawnmowers).

For the next time, Mr. Beck will put something together on bees, non-domestic animals, using no bees on lots under 20,000 square feet; 2-acre minimum for one horse.

At the regular meeting held at the Township Building, the following members were present: Blaine Rentzel, Robert Nace, Edward Hewitt, and Mike McCowan. Absent: Mike Scarborough. Also present: Engineer Laymon Mortorff, Zoning Officer Jon Beck, Recording Secretary, and eight citizens. Chairman Rentzel called the meeting to order at 7:05 p.m.

Minutes

The minutes of the meeting of September 24, 2013, were approved with no formal motion or second.

Plans

- A. Brady Barnes, 3-lot subdivision, 445 Blossom Drive (case continued from September 24, 2013)

Patti Fisher was present on this plan. She referred to Revision 2, dated 10/11/13, and also presented some updated information/revisions that have been done since last month. She noted that the wetland study indicated that no wetlands exist within the study area. It appears that the Planning Commission's concerns from September's meeting have been addressed.

Ms. Fisher explained why the applicant is requesting that the NPDES waiver be addressed at the time of the building permit issue. Mr. Beck reported that the Township staff feels that this waiver should be addressed now so that compliance doesn't fall through the cracks. Ms. Fisher feels that a note can be placed on the plan to assure that it's done at the subdivision stage. Mr. Mortorff feels that the MS-4 designation for the Township requires that the permit needs to be done at this stage. He understands Ms. Fisher's request and the reasons for it, but he also understands the municipality's position as well. The Planning Commission must make some sort of recommendation. The issue is that there is more than one acre of disturbance proposed. Will there really be more than one acre of disturbance? There's also the question of where the prospective homeowner will want to place the driveway and house. If the plan were to show less than one acre of disturbance, would that make a difference? Yes. Also if Mr. Barnes were to sell the lot as a 10-acre parcel of agricultural/open land, not necessarily as a building lot, that would make a difference as well. Then the purchaser could decide to put a house on the lot, and that person would need to do the E & S and the NPDES permit at that time.

So, the applicant will remove the development information/references from the plan and subdivide the lot as an agricultural lot.

Motion by Nace, second by McCowan, to recommend approval of the Brady Barnes Final Subdivision Plan, two lots being Agricultural and one lot having a previous residence on it, conditioned upon the removal of all development-related information from the plan. All members voted aye; motion carried.

- B. Gross, 465 Zion's View Road; Industrial Subdivision

Jim Snyder was present with Charles Suhr and Matt Utsey, using the most recent revision dated 10/14/13. First plan is a subdivision and simultaneous reverse-subdivision of 3 lots (one lot currently owned by the Gross Family and two lots owned by Kinsley Equities II Limited Partnership), involving some roadway extension, a merging of two lots, and some lot line moving.

Waivers requested:

Section 208-21, preliminary plan

Section 208-34a, plan sheet size

Section 208-34.a.4, plan sheet scale

Section 208-47, sidewalks on eastern side of Gea Drive

Section 208-49.b.1.a, rec fees

Discussion was held on the waiver for the recreation fees. Mr. Snyder noted that the applicants will be also requesting a waiver of the rec fees on the land development plan. The Planning Commission members balked at granting the waiver of rec fees for both plans. If it were a matter of granting a waiver of rec fees on the subdivision plan only, and picking them up at the land development stage, that would be fine with the Planning Commission members. Waiving them for both plans, however, doesn't wash.

Motion by McCowan, second by Hewitt, to recommend approval of all waivers as listed above. All members voted aye; motion carried.

Gordon Brown's comments dated September 12, 2013, were reviewed. Outstanding items: 2, (added) Notes 17 and 20 on Sheet 3 of the previously approved plan for Orchard Business Park need to be updated; spelling error on Note 25; 4a, owners' signatures (section 208-34.B.17); 4b, engineer's and surveyor's signatures (Section 208-34.B.18); 4c, sewer authority signature (Section 208-34.B.20); 4d, HOP note (Section 208-34.B.22); 4e, erosion and sediment control plan approval (Section 208-34.C.9); 4g, surety (Section 208-34.C.13); 4h, appropriate notes per Attorney Miller's memo of September 22, 2011; 6, stormwater management documentation (Section 208-34.C.10). Also on Note 5, remove one of the words "proposed" and updating Note 20 to current East Manchester Township Ordinance section. All YCPC comments have been addressed unless they're open on the Gordon Brown comment sheet.

Motion by McCowan, second by Hewitt, to recommend approval of the Subdivision Plan for the Gross Properties, subject to the satisfactory resolution of the following open items from the Gordon Brown letter referred to above: 2, 4a-e, 4g, 4h, and 6; Note 5, Note 20 and Note 25 correction of spelling errors; and YCPC (10/16/13) outstanding items A and E. All members voted aye; motion carried.

C. Gross, 465 Zion's View Road; Industrial Land Development
Jim Snyder was present with Charles Suhr and Matt Utsey, on this plan of 95 acres, with a proposed 1.2 million square foot warehouse/distribution facility. There may be multiple tenants. The Board approved the Planning Module and sent it to DEP.

Waivers requested:

Section 199-15.Q, maximum volume of stormwater facility
Section 199-15.S, stormwater facility within building setback
Section 208-21, preliminary plan
Section 208-31.A.3.a.4, utility profiles on same sheet
Section 208.34.A, plan sheet size
Section 208.46.B, street widening on Zion's View
Section 208-46.B, curb/sidewalks on Zion's View and Bartlett Drive
Section 208.49.B.1.a, rec fees

It was noted that access is off of Bartlett Drive. There is a second access. It was also noted that letters are on file indicating that the applicants have standing to propose what they're doing. Lighting was discussed; concern for the surrounding residents was expressed. The applicants will do their best to comply with the Township's ordinance. Provide a line of sight drawing to indicate how the highest lighting will affect the neighbors. Make sure the bulbs are not seen by the surrounding residents.

From the audience, neighbors asked about noise – they are concerned with the trucks going in and out, loading and unloading, etc., especially at night. They are also concerned with stormwater drainage, dust, dirt, traffic concerns, and inconvenience. These particular neighbors are disappointed that the area is now zoned Industrial; it was zoned differently when they moved in. How about using

the recreation area requirements to provide recreation area for the neighbors as a “gift” for their inconvenience?

Discussion was held on the waiver requests. Planning Commission members’ positions on each waiver are below.

Section 199.15.Q, minimum storage volume depth of stormwater management facility; no problems.

Section 199-15.S, stormwater management facility within building setback; no problems.

Section 208-21, preliminary plan – Mr. Nace is not comfortable waiving this, for fear of missing something. Mr. Snyder explained the difference between the preliminary and final plans. Mr. Mortorff suggested that the Planning Commission reserve finalizing this waiver until next month until they have had a chance to review the plan fully. Mr. Snyder noted that they would be willing to give the Planning Commission another month to review the entire plan.

Section 208-31.A.3.a.4, utility profiles on same sheet; no issues.

Section 208-34.a, plan sheet size; no issues.

Section 208-46.B, street widening on Zion’s View Road; no problems, just add the 6-month note.

Section 208-47, curbs/sidewalks Zion’s View Road and Bartlett Drive extension; no problems, add the 6-month note.

Section 208-49.B.1.a, rec fees; big problems there! Discussion of the rec fees. The Planning Commission members are still uncomfortable with waiving the recreation fees. They will pass these concerns to the Board of Supervisors, who will ultimately have to rule on this issue.

Mr. Suhr noted that there’s a case in Commonwealth Court relative to recreation fees for industrial or commercial projects. The ruling is that the municipality cannot require these fees for this type of project. The applicants understand that they’ll likely have to pay something.

Mr. Hewitt feels that the off-site traffic problems will be major. Mr. Snyder noted that Canal Road warrants a traffic signal at Willow Springs Drive now, even without this development. It was noted that Canal Road is not a designated truck route.

Discussion of the waivers and an extension of time. The applicants may need to grant the Township an extension of time (which they are willing to do) if there are any issue with the plan that would prevent the Board of Supervisors from acting on the Plan at the December Board of Supervisors meeting.

Gordon Brown’s letter dated September 12, 2013, was reviewed. Outstanding comments: 1, lighting shields, (Section 255-17.B.3). Also, provide line of sight drawings relative to the residential properties and state whether the shield are adjustable and on which lights will the shields work; 2, screening/buffering (Sections 255.17.B.5, 255-50, 255-60.E); 4, for Bartlett Drive, setbacks should be revised to reflect the future street ROW and the site data accordingly (Section 208-34.C.2); 5a, owners’ signatures (Section 208-34.B.17); 5b, engineer’s and surveyor’s signatures (Section 208-34.B.18); 5c, sewer authority signature (Section 208-34.B.20); 5d, erosion and sediment control plan approval (Section 208-34.C.9); 5e, surety (Section 208-34.C.13); 5f, appropriate note or notes from Attorney Miller’s memo dated 9/22/13; 5g, cartway width of Zion’s View Road (Section 208-34.B.7); and 5h Planning Module approval (Section 208-31.A.3.6); 6, stormwater management plan approval (Section 208-34.C.10), with Mr. Mortorff noting that access to the stormwater ponds are accessed from Zion’s View Road; requested that they put under-drains at the low points on Bartlett Drive; 8, parking setback and building setback lines along Zion’s View Road should be dimensioned from the dedicated ROW (no section given); 10, traffic study discussion/waivers (Section 208-32.B).

Comment 10, the traffic impact study, was discussed. The applicants are willing to work with the Township on future roadway improvements.

From the YCPC letter dated 10/16/13, outstanding comments: transportation section 8, add truck turning templates; 10, add "no parking" signs or curb markings; 11, access doors on the building; 12, fire lane?; 13, crosswalk details/dimensions; 14, directional truck signs.

On the traffic impact study section, there are three projects planned for this area (only two referred to on the plan); confer with **rabbit transit** about bus service to this site; traffic and construction traffic; escrow account for future Canal Road widening.

Mr. Mortorff asked if there are any flammable materials planned for this site. Unknown at this time; that would be tenant-specific. A protection system and/or collection system for water to fight a fire would be the responsibility of the tenant.

Mr. Beck noted that the Township cannot issue a demolition permit for the old farmhouse on the property until consulting with the PHMC and the York County Heritage Trust.

Motion by McCowan, second by Nace, to recommend approval of the waiver requests for the following sections as enumerated above: 199-15.Q, 199-15.S, 208-21, 208-31.A.3.a.4, 208-34.A, 208-46.B AND add the 6-month note; 208-47 AND add the 6-month note. All members voted aye; motion carried.

Motion by Nace, second by McCowan, to recommend *denial* of the waiver request for Section 208-49.B, recreation fees. All members voted aye; motion carried.

The applicant requested that the plan be *tabled* until the November meeting to permit the Planning Commission to review the plan and to permit the applicants to address some open items.

Additional New Business

Nothing at this time.

Next meeting: November 26, 6 p.m., for a work session; regular meeting follows at 7 p.m.

Motion by McCowan, second by Nace, to adjourn. All members voted aye; motion carried. The regular meeting adjourned at 10:06 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary