

East Manchester Township
PLANNING COMMISSION MINUTES
August 24, 2021

At a regular meeting held at the Township Building, the following members were present: Blaine Rentzel, Robert Nace, Edward Hewitt, Mike McCowan. Absent with prior notice: Mike Scarborough. Also present: Engineer Laymon Mortorff, Recording Secretary, and four citizens including Township Manager Kristie Masemer, Supervisor David Naylor, and Attorney Cory Dillinger.

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

Minutes

Motion by Hewitt, second by Rentzel, to approve the minutes of the meeting of July 27, 2021. All members voted aye; motion carried.

Plans

A. Final Land Development Plan -- Ollie's Warehouse expansion at 3300 Espresso Way. Waiver requested: §208-21.A, preliminary plan

Chris Beauregard from NuTec was present on behalf of the applicant. This plan was approved some years ago and included the expansion requested in this plan.

Gordon L. Brown's letter dated April 5, 2021, was reviewed. Outstanding comments: 4A, signatures (§208-34.B.17); 4D, surety, if necessary (§208-34.C.13); 4F, Erosion and Sedimentation Control Plan approval (§208-34.C.9); 7, sidewalk and associated easement along Canal Road (§208-34.C.11); and 9, stormwater management plan approval (§208-31.C.10).

Discussion was held on Item 7 on the GLB letter, relative to the easement for the sidewalk along Canal Road. Mrs. Masemer checked the original plan. There is a note on the original plan (note 34) noting common ownership for purposes of the easement. The memorandum from MPL dated March 29, 2021, was checked, and this issue was indeed covered in Attorney Miller's comments.

Stormwater drainage was discussed. From the audience, David Naylor noted that this plan's stormwater management affects Mr. Dolan's property which has stormwater issues. That is correct. GLB's office is under orders to see that this situation is remedied by the end of 2021.

YCPC's letter dated May 6, 2021, was reviewed. Outstanding comments: A, add information regarding waiver approval on the plan (§208-34.C.12); B, Erosion and Sedimentation Control Plan approval (§208-34.C.9); C, copy of any deed restrictions (§208-34.B.14); D, proof that the proposed expansion complies with the previously approved sanitary sewer module (§208-31.A.3.6); and E, if applicable, any required revised traffic impact study for the proposed expansion (§208-31.3.13); and 2, the name of the corporation should be included in the notarized statement of ownership prior to recording.

MPL's memorandum dated March 29, 2021, was reviewed. *All items* are outstanding and read as follows:

1. This property is subject to a stormwater agreement recorded at Book 2071, Page 2330, and a sidewalk easement recorded at Book 2221, Page 3879. Both recorded agreements will continue to apply to the properties and should be specifically referenced in notes on the plan.

The adequacy and effectiveness of the stormwater facilities on Lot 11 to control the additional stormwater should be reviewed.

2. Notes have been added to the plans that lots 10 and 11 must remain under common ownership because Lot 11 contains only the stormwater basin for Lot 10. The Township should consider requiring the developer to reverse subdivide the two lots into one lot.

3. The expansion of the building will be in the direction of the adjacent residential structures. The Township may want to require additional lighting details or noise monitoring. The Township should also review whether the existing screening will be adequate to protect the residential properties from the proposed truck parking lot that will now be on the 100' setback line.

4. The Township should confirm the availability of sewer EDUs from Northeastern York County Sewer Authority. Any building permits should be conditioned on availability and reservation of EDUs. No building permits should be issued until the NEYCSA connections plan is approved.

5. This project adds 201,000 square feet of warehouse space that will directly access Canal Road. The Township should consider whether the Owner should be required to proportionally contribute to the Canal Road Betterment Agreement.

Relative to MPL's comment 2, does the Township recommend a reverse subdivision? No one on this board can answer that question.

Mr. Hewitt noted two misspellings on the waiver request. Will be fixed. Mr. Nace noted that there are an awful lot of open items associated with this plan at this point.

Motion by Rentzel, second by Hewitt, to recommend approval of the waiver request for §208-21.A, preliminary plan, Ollie's Warehouse expansion Final Land Development Plan. All members voted aye; motion carried.

The applicant requested that the plan be *tabled* until the September meeting to permit further revision and completion of the open items.

Below is the list of outstanding items for this plan: from the GLB letter referred to above, comments 4A, 4D, 4F, 7, and 9; comments 1, 2, 3, 4, and 5 from the MPL memorandum; and YCPC comments 1A, 1B, 1C, and 1D.

B. Discussion of Solar Farm Ordinance

Supervisor David Naylor had some notes before proceeding. He agrees with previous Planning Commission minutes to not permit solar farms in Residential or Agriculture Zones. It would be good to have something in place for the time when an applicant brings a proposal to the Township. Mrs. Masemer noted that it seems that no one wants to see solar farms in the Ag zone. Perhaps think of them in Commercial and Industrial Zones. There's a difference between a solar farm and an accessory use for solar panels on a residence or business.

Attorney Cory Dillinger was present to discuss this proposal. He noted that his office has seen requests for solar farms in all zones. Food for thought – if only permitted in the Industrial Zone, the Township might be losing out on some tax revenue. An overlay district may be possible. The Township must provide some zone space for this use. Mr. Hewitt noted that solar

farms are coming to the area. There's a big push from the governor's office to use renewable energy.

Mrs. Masemer noted that there have been a few requests for accessory solar panel use in the Township. Currently, a building permit is needed and use of the existing accessory structure section of the zoning ordinance governs them.

In this proposed ordinance, the Township has some enforcement possibilities for decommissioning/faltering systems. The trouble there is that the Township can't tell if a panel isn't working, but if it's falling apart, that's obvious, and the Township can do something about it. For large-scale use, electricity generation forms must be filed with the Township after land development approval and installation of the solar farm on a yearly basis, which is something that the Township staff isn't thrilled about. Attorney Dillinger stated that it is okay if staff does not follow up every year. It is just a section provided for if we need it. Does the proposed ordinance include a time limit for decommissioning? Yes.

The main issue for the Township is the placement. Which zones? Discussion was held on large-scale operations (principle solar) and how properties in the clean and green program are affected. Also, how are properties in the farmland trust program affected? It was noted that a solar farm doesn't render the agricultural land unusable. It's just temporarily not farmed in the traditional sense of the word.

How much land is actually left in the Township's Industrial zone? Likely not enough to interest a solar farm developer. How about a large area of Agricultural District? Most in the Jerusalem School Road area.

How about small accessory use of solar panels? Not such a big deal right now, so we can probably wait to deal with that.

How about if there's a large solar array on a roof and there's a fire? There's some language available to add to this ordinance. That would obviously be addressed and approved by the Fire Marshal.

How about glare studies? Is this a big issue? Per Mr. Dillinger, not at this time. The purpose of the panels is to absorb the sun's rays, not deflect it. Regarding noise, Mr. Dillinger hasn't heard of any noise issues associated with solar panels or solar farms.

Discussion was held on the amount of electricity that may be generated by solar farms/solar uses.

Is there a way to limit the number of panels on a solar farm? Can the Township say, "Sure, you can build a solar farm, but you can only have 50 panels"? Is that possible? If calculating impervious coverage, the *base* is the only area that is counted in the impervious coverage. Is that exclusionary zoning? Probably not a good idea to limit the use to only accessory uses in the Township.

Mr. Dillinger suggested that an overlay might be the way to go. Can the Township permit a solar farm on a large ag plot but permit only a small percentage to be used for the solar panels?

Should the Township move forward quickly now with a broad document and then make tweaks as necessary?

Consensus of the Planning Commission: *permit in Industrial, do not permit in Agricultural. All in agreement that we need an ordinance to address solar farms before a submission occurs. Amendments can happen later.*

Additional New Business

There will be a meeting in September to discuss the Comprehensive Plan amendments and Ollies will be back.

Motion by Hewitt, second by Nace to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Julie B. Maher, Recording Secretary