

Manheim Township Zoning Hearing Board Minutes
Tuesday September 6, 2016
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
Jennifer Luciani	Present
David Beyer	Present
James Stephens	Present
Patrick Trimble	Absent

Chairman David Wood called the regular meeting to order, requested a roll call, explained the meeting process and announced the agenda.

Mr. Wood announced that the WJ Strickler case PLZHB16230 has been withdrawn by the applicant.

John Kenneth LLC **PLZHB16228**
262 East Oregon Road, R-2, T-5 Neffsville Overlay

Denise Dohner was sworn in for testimony.

Referencing a site plan, Ms. Dohner explained that John Kenneth is planning to construct a dwelling on the vacant lot located at 262 East Oregon Road. The zoning district is R-2 and T-5 Neffsville Overlay Area.

Ms. Dohner stated that a variance is being requested to allow the front yard setback to be 35 feet which would allow the new dwelling to line up with the existing dwellings on East Oregon Road. The T-5 Neffsville Overlay requires the dwelling not to be set back more than 25 feet from the street right of way of East Oregon Road.

Ms. Dohner referenced an aerial that displayed the existing dwelling's setback from the East Oregon Road right of way.

Mr. Beyer moved to approve the request for a variance of Section 2405.4.B.1.b to permit the construction of a new dwelling within a 35 foot front yard building setback. Ms. Luciani seconded the motion. The motion was approved 5-0.

JG Environmental **PLZHB16229**
776 Flory Mill Road, I-1 and D-R residential

Harvey Schwien requested to be a party for this case. The Board voted and unanimously approved to allow Harvey Schwien to be a party of this case because he is the owner of an adjacent property.

Brian Cooley, James Guerin, and Harvey Schwien were sworn in for testimony.

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Mr. Cooley described the property and the surrounding layout of the area. The property currently consists of a block building, parking and paved areas for a total 1.569 acres. Mr. Cooley then explained that JG Environmental provides vacuum loading and liquid waste hauling to customers in the municipal, commercial and industrial fields. Currently, they are in the process of obtaining a DEP permit to become a municipal waste processing facility. The property is located in the I-1 Industrial and D-R Retrofit Overlay. Mr. Cooley further explained that the parking on the property meets the zoning ordinance regulations, and there will be a maximum of 12 employees with 15 parking spaces provided on the lot.

Mr. Cooley explained that currently the site is served by public sewer. The public sewer extends from the western half of the building along the western property line and connects to the public sewer, which is in Flory Mill Road. The site is served by on-lot water with a well on the property. A variance is being requested to not provide public water and sewer on the property. The zoning ordinance requires a permitted use to connect to public water and sewer within the I-1 zoning district. The existing and the proposed operations of the business will not require any additional water usage.

There was a discussion regarding the submitted documents which show the water yield of the existing well. Mr. Cooley explained that here is no access to public water from Flory Mill Road. The water line in the street is a transmission line and cannot be tapped into.

Mr. Guerin explained the operation of JG Environmental and stated that “it's actually a dewatering facility”. We want to clean our own trucks in our own bays instead of taking them to ERC or to Waste Recovery in Myerstown and paying them to clean our trucks. It's to clean the heels of our trucks.”

The Board and Mr. Guerin discussed whether or not there will be a need for additional water in the future.

Mr. Schwien raised concerns regarding the existing diesel tanks not having a dike around the tanks. Mr. Guerin stated that the tanks are doubled walled and do not need a dike.

Mr. Stephens moved to approve a variance from Section 1504.2.G.1 not to require the proposed waste processing facility to connect to public water. Mr. Beyer seconded the motion. The motion was approved 5-0.

RV Holdings LP

PLZHB16231

3001 Oregon Pike, 1289 Creek Road and 2900 Oregon Pike, B-4 Business, T-5 Oregon Village Overlay

Martin Weinrich, David Weinrich, Michael Manthei, Jerry Horst, John Schick, Joel Young, Victor Hurst and Caroline Hoffer were sworn in for testimony.

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Ms. Luciani stated that she will recuse herself from this case, because she works for Lancaster County Planning Department in the clean and green program.

Ms. Hoffer explained that this application is a long term plan for Oregon Dairy and for the former Shawnee site, which is proposed to be redeveloped. This long term plan follows the Manheim Township Comprehensive Plan in which this part of the Village of Oregon was identified for development. Also, the T-5 Overlay District in the zoning ordinance, which encompasses this area of the Village of Oregon and provides for a wide range of uses to promote the redevelopment of this area. What the status of this particular project is, is an application is pending before the commissioners for a conditional use. The project is known as Oregon Village. It's a mixed use development. The process for the conditional use first requires an application and in the T-5 Overlay District, this entire project is provided for by conditional use. It's heard by the Manheim Township Planning Commission and the Board of Commissioners.

Ms. Hoffer further explained that there are certain dimensional adjustments that they are requesting that are not within the jurisdiction of the commissioners to act. So, the items that are before Board this evening are items that are outside of Section 2406 of the zoning ordinance and are within other parts of the zoning ordinance. Variance requests are required to be requested for those adjustments.

Ms. Hoffer requested to amend the request to add an additional variance for clear sight triangles. Mr. Strausser moved to approve the request to add an additional variance to the request. The Board approved the request 4-1 with Mr. Stephens dissenting.

Referencing aerial and site plans, Joel Young of Rettew Associates, described the properties and their location in the Township involved in the Oregon Village project and explained the project. The project involves constructing apartment buildings and single family dwellings on the 1289 Creek Road site and the old Shawnee site. They are looking for a mixture of some multifamily housing with several restaurants, a hotel, some first floor retail and offices with apartments above, and then town homes and some other multifamily development along with that. Plus altering the existing commercial area of the Oregon Dairy property. This will be a village type development creating a walkable community.

Mr. Young then explained the variance requests regarding the clear site triangles.

John Schick of Rettew Associates, explained the clear site triangle terminology and compared it to minimum safe stopping distances defined by ASHTO, which is a national federal standard on defining roadway design for uncontrolled intersections. Mr. Schick explained that the required clear site triangle distances can be reduced and still maintain a minimum safe stopping distance. He reviewed a site plan that shows the reduction of the clear site triangles and also shows the minimum safe stopping distances.

There was a discussion concerning the proposed intersection for the one clear site triangle shown at the through way intersection on the Hurst property. The Board was concerned with the traffic on the road, that reducing the clear site triangle at the curve would not be safe and requested a

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proposed apartment building be moved further away from the intersection to maintain the required clear site triangle.

Ms. Hoffer stated that they will withdraw the variance request for that intersection.

In public comment, some residents were concerned with increased traffic and the safety of the biking and plain communities.

Ms. Hoffer explained the request to allow a time extension variance to coincide with the time periods which will be set forth in the conditional use approval.

Mr. Strausser moved to approve a variance to Section 2012.3. to reduce the driveway setback requirement to one (1) foot in the residential section of the Hurst Property; a variance to Section 2102.5. to reduce the side yard setback for detached private garages to zero within the residential section of the Hurst Property; a variance to Section 2202 to modify the clear site triangle requirements from the ordinance standards to the dimensions and at the locations shown on variance exhibit 3 sheet 2 and variance exhibit 3 sheet 3 of the application except for the one clear site triangle shown at the through way intersection on the Hurst property; a variance to Section 2213 to reduce the building setback requirements for the RV Holdings Property adjoining U.S. Route 222 and Oregon Pike (PA. Route 272) to the dimensions indicated in the application; a variance to Section 2808.1. to permit a time extension for obtaining permits and commencing and completing the project to coincide with the time periods which will be set forth in the Conditional Use Approval conditioned upon receipt of the conditional use approval. Mr. Stephens seconded the approval. The motion was approved 4-0 with Ms. Luciani recusing herself.

The meeting was adjourned at 9:14 PM. The next regularly scheduled Manheim Township Zoning Hearing Board meeting will be on Tuesday, October 4, 2016.