

**MANHEIM TOWNSHIP
PLANNING COMMISSION
MINUTES
Wednesday
April 18, 2007**

A meeting of the Manheim Township Planning Commission was held on Wednesday, April 18, 2007 at 6:30 p.m. The following members were present: Mr. Kevin Fry, Mr. Steven Geisenberger, Mr. Michel Gibeault, Mr. Robert Wolf, Mr. Cory Rathman and Mr. Donald Reed. Mr. Jeffrey Sturla was absent. The following Township staff was present: Ms. Lisa Greaves and Mrs. Shannon Sinopoli.

Roll Call

Mr. Fry called the meeting to order at 6:30 p.m. and conducted roll call.

Minutes

Mr. Fry asked for a motion on the March 21, 2007 meeting minutes.

On a motion by Mr. Geisenberger, seconded by Mr. Rathman, it was recommended to approve the March 21, 2007 meeting minutes.

Motion Approved 6-0.

Old Business

A. Development Plans

1. Worthington PRD – Tentative Plan & Conditional Use – Oregon Pike – Zoned R-2; R-2 (Bonus Density); R-3 and B-1.

Present representing this Tentative Plan was Mr. Mark Johnson, RGS Associates, Mr. Craig Mellott, Traffic Planning and Design and Ms. Diane Frame, Keystone Custom Homes.

Mr. Johnson advised that since the last meeting and after traffic discussions with the Township Traffic Engineer, the applicant has been able to obtain some direction and implement. Mr. Johnson asked Mr. Mellott to summarize.

Mr. Mellott indicated that through conversations with John Schick, Township Traffic Engineer, there was a consensus to make Brookshire Drive a right in, right out to funnel vehicles over to the traffic signal and to construct a raised concrete island making it as large as possible without having to acquire any additional right-of-way.

Mr. Johnson indicated that a clean review letter and approval has been received by Mr. Schick and that PADOT correspondence has also been received indicating that PADOT is in agreement with the current proposal and with the Township.

Mr. Johnson advised that the only remaining items are minimal and are of administrative nature.

Mr. Fry thanked the applicant for working with the planning commission and staff over the past year or so in order to get this plan to an approving point.

Mr. Fry proceeded by reading through the requested modifications.

Mr. Fry identified the modification requests which planning members felt were justified back at the October 5, 2006 Special Meeting and the modifications which they felt as though should have conditions attached with a recommendation for approval.

After acknowledging the modifications which were deemed favorable from the special meeting, Mr. Fry then addressed the conditioned modifications which the planning members expressed the desire to attach to their approvals.

They were as follows:

Zoning Ordinance, Section 1670.4 - Garage Setbacks. *Conditioned upon the applicant providing a 15' setback from the front façade of the dwelling for all front load garages; no more than three (3) side load garages or front load garages be located adjacent to each other and that a mix of side load (to the right) and side load (to the left) garages be provided. The total proposed number of non-compliant garages shall be identified. Further the applicant shall comply with the 3' setback distance between the side of dwelling units and driveways or parking areas.*

Floodplain Ordinance, Section 308.7 - Specific permission to engage in construction with the Landis Run Floodplain. *Conditioned upon all of the provisions of Sections 305.1.L and 305.2 of the Floodplain Ordinance be met and the appropriate DEP Permits obtained.*

Subdivision/Land Development Ordinance, Section 813.8 - Sanitary sewer easements no less than 30 feet. *Conditioned upon the applicant submitting documentation from LASA stating that the 20' wide easement and shared easements are acceptable.*

Stormwater Management Ordinance, Section 403.5.H - Inlet Placement *Conditioned upon the Homeowners Association Recorded Documents identifying homeowner responsibility of the inlets.*

Stormwater Management Ordinance, Section 403.6.A(13) - Standard outlet structures *Conditioned upon the applicant providing wingwalls or retaining walls with the outlet structures.*

Mr. Wolf asked if the commercial portion would be built out all at one time.

Mr. Johnson answered that, per recommendations from the Planning Commission, they are proposing to construct the entire commercial component at one time.

Mr. Fry asked for public comment. There was no response.

On a motion by Mr. Gibeault, seconded by Mr. Rathman, it was recommended to approve the tentative plan and to recommend approval of the modifications as presented by Mr. Fry.

Motion Approved 5-0, with Mr. Reed abstaining.

2. Spring Haven - Preliminary Subdivision/Land Development Plan - Buch Avenue and Raleigh Drive - Zoned R-1 Residential. (5/28/07)

Mr. Jeff Shyk, David Miller Associates, Mr. Steve Artz, applicant and Mr. Bryan Byler, Attorney for the applicant were present representing this Preliminary Subdivision and Land development located on the corner of Buch Avenue and Raleigh Drive.

Mr. Shyk provided planning members with an update from the February Planning Commission meeting.

Mr. Shyk proceeded through the outstanding comments and provided verbal responses to these comments.

Mr. Fry questioned who was going to maintain the retaining wall to the rear of Lots #1 and 34.

Mr. Shyk advised that it would be the property owners' responsibility.

Mr. Fry asked what would happen if the owners of those lots could not afford to repair or replace the wall if it would collapse.

Mr. Shyk answered that that he did not know.

Mr. Shyk continued through the remaining review comments and proceeded by addressing the modifications and providing justifications for the requested waivers.

In regards to the modification of providing the emergency spillway, Mr. Rathman questioned the applicant as to what the applicant is proposing.

Mr. Shyk indicated that a grass lined spillway is proposed.

Discussions took place regarding the existing easements along Thunderbird Lane.

Mr. Byler provided some background as to the issue with the right-of-way and utility easement which were created back in the 1960's.

Mr. Byler ensured the planning members that the right-of-way and access of the lots to the south of the Vogel property will be maintained as they currently exist and in their current condition.

Mr. Byler indicated that there are no proposals to touch the right-of-way on Thunderbird Lane or to change it, or to cut it off in any way.

Mr. Byler advised that a 15 foot wide sewer easement also exists which was granted by the Vogel's in the 1960's to allow the Thunderbird Lane properties to run a sewer pipe within that easement. Mr. Byler indicated that this utility easement is located entirely on the Vogel parcel, however, this private utility easement will still be accessible by the residents along Thunderbird Lane.

Mr. Byler mentioned that Mr. Artz had suggested straightening out Thunderbird Lane in order to eliminate the dog tail that exists to the north of the Reilly property, but that in order to do so, Mr. Artz would be required to obtain complete agreement of the property owners involved.

Mr. Byler indicated that the agreement from these owners was unobtainable.

Mr. Byler stated that per the latest staff review, it was suggested that the applicant discuss the legalities of the easement and rights-of-way with Township Solicitor, Bill McCarty.

Mr. Byler advised that he held a meeting with Mr. McCarty to go through the issues and that at the closure of the meeting he felt as if Mr. McCarty was on board with what he was indicating and where everything laid out and that he understood his analysis of how the rights-of-way and easement fit together.

Mr. Byler referred to the requirement of not placing anything within an easement that would conflict with the easement agreement.

Mr. Byler indicated that this proposal does not conflict with the easement agreement because it was a "non-exclusive easement".

Mr. Fry stated that the planning members and staff felt that Solicitor McCarty's comments were inconclusive at this point and that staff is awaiting Solicitor McCarty's written comments and recommendations.

Mr. Byler asked for clarification on the staff review comment indicating requiring the applicant to submit an application for the Development Rights (TDRs), and to have the TDR transfer in place prior to this meeting.

Upon being advised of this requirement, Mr. Byler advised that he paid a visit to Solicitor McCarty's office.

Mr. Byler indicated that it was his understanding from Mr. Artz that the process was a bit more flexible and that the full blown application identifying the seller of the TDRS and a survey of the sending farm with an agreement of sale to buy those TDRs could be a condition of preliminary plan approval.

Ms. Greaves explained that, in regards to TDRs, the Township is certainly looking at a different process compared to the last few years since the Township is not selling TDR's any longer.

Ms. Greaves stated that the ordinance is very specific in the requirements to obtain these TDRs during the preliminary subdivision plan process.

Ms. Greaves advised that she indicated to Mr. Byler that the Township certainly understands that the applicant is not going to "purchase" the TDRs today for a project that is still tentative, however, the need to explain where an applicant is at in the TDR process, as it relates to the requirements, is necessary.

Mr. Byler indicated that the applicant has been in discussions with ten different property owners and that the applicant is getting close, but that there is a timing issue.

Mr. Wolf expressed his concerns regarding placing the responsibilities on the individual property owners for the maintenance and repair of the proposed retaining walls, guide rail, stormwater facilities and basin.

Mr. Wolf suggested, and the remaining planning members concurred, that the applicant should look into the possibility of creating a Home Owners Association to address all of the maintenance responsibilities instead of putting the full responsibilities on individual lot owners.

There was some discussion relative to the modification specific to providing sidewalk along Buch Avenue.

Mr. Geisenberger asked about the modifications for relief from extending the public sewer and water to the property boundaries.

Mr. Byler answered that the Township just requests that utilities be extended to the limits of the property, but that it doesn't say to which property line.

Mr. Artz indicated that water is located along Buch Avenue and Raleigh Drive, but he wasn't sure about Fruitville Pike.

Mr. Fry asked for public comment.

Patron #1: Mr. Bob Quiggle, 2361 Fruitville Pike expressed his concern regarding his well being closer than 100' to the property line and the possibility of the grading affecting his well.

Mr. Quiggle indicated that he also had stormwater concerns especially with the way the rain comes across his property and that with the proposed non-absorbent surfaces, he inquired what would happen to all of the water.

Mr. Fry advised that the Township has ordinances to protect the neighboring residents in these cases and that the developer must prove to the Township that the adjoining properties will not be affected any worse than as it currently exists.

Patron #2: Mr. Vince Kaneshish questioned as to what standard the guide rail would fall under.

Mr. Fry indicated that the guide rail will have to meet PADOT standards.

Mr. Kaneshish further indicated that he would like to see the developer make it very clear to all future potential buyers what responsibilities they will have.

Patron #3: Mr. Reese Reilly, 111 Thunderbird Lane indicated that he was the property owner at the end of Thunderbird Lane and presented the planning members with a copy of his deed.

Mr. Reilly stated that he has had a numerous discussions with Mr. Artz and that Mr. Artz wishes to straighten and extend Thunderbird Lane right through the Baker property and onto his own which would take a good portion of the Baker's yard and a good part of his yard. Mr. Reilly indicated that he is very much against that.

Mr. Byler reiterated that the proposed plans are to leave the Thunderbird Lane access as it exists.

Mr. Reilly's realtor, Ms. Ann Lusk was also present and expressed her concerns regarding the legal responsibility Mr. Reilly has to disclose all information to potential buyers and that, in reference to this project, she would like more detail as to what the end result will be for this development.

Mr. Fry suggested that Ms. Lusk communicate with Mr. Artz to obtain such information on the proposed aesthetics of the lots and houses.

Patron #4: Mr. Steve Walter, 101 Thunderbird Lane resident indicated that he has not been contacted by the developer to date.

Mr. Walter advised that he has lived on Thunderbird Lane for over 20 years and that the property has been in his wife's family for over 40 years.

Mr. Walter stated that he just wanted to discuss the Blossom Hill area and the uniqueness of the area including the different styles of housing and the wooded areas.

Mr. Walter expressed that he feels as if this development is like throwing a development into the middle of a neighborhood and also feels that this type of development is going against the flavor and flare of the Blossom Hill area.

Patron #5: Mr. Dave Manley, 2351 Fruitville Pike resident questioned what was being proposed for the wooded areas.

Mr. Artz indicated that he has no plans of removing the wooded areas.

Mr. Manley further questioned the extent of the grading and the amount of stormwater that comes across that area.

Mr. Artz indicated that there will be no increase in stormwater runoff.

Mr. Manley expressed his concern over the traffic on Fruitville Pike and Buch Avenue and indicated that he would like to see some sidewalks put in place.

Mr. Fry thanked the residents for their comments.

On a motion by Mr. Geisenberger, seconded by Mr. Reed, it was recommended to table the modifications and plan.

Motion Approved 6-0.

B. Rezoning/Text Amendment/Conditional Use/Ordinances

1. The Crossings at Conestoga Creek - Planned Commercial Development (PCD) - Conditional Use request - Harrisburg Pike and Farmingdale Road - Zoned I-1.

Mr. Michael Gibeault informed Mr. Fry that he would be abstaining from the discussions of this conditional use request.

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Present representing this Preliminary/Final Land Development Plan was Mr. Benjamin Bamford, Mr. Steve Evans and Mr. Tom Smithgall, High Real Estate Group applicants; Mrs. Caroline Hoffer, Barley-Snyder; Joel Young, Mr. Dan Synoracki and Jeri McClune, Rettew Associates; Mr. Frank Fox, Greenfield Architects and Mr. Donald Jacobs, Traffic Planning Design.

Mr. Bamford indicated that Mr. Keith Falco, representing the East Hempfield Township Planning Commission was present and wished to make a statement.

Mr. Falco stated that he was asked by the East Hempfield Township Supervisors to attend this meeting to advise the Manheim Township Planning Commission that East Hempfield Township wishes to be involved with the review of this project.

Mr. Falco mentioned that he understands that there are several intersections in the East Hempfield Township that will be affected and unfortunately the East Hempfield Township Supervisors meet on the same evenings as the Manheim Township Planning Commission, otherwise the Supervisors would be in attendance.

Mr. Falco requested that representatives from High Associates come and make formal presentations to the East Hempfield Township Planning Commission as well as the Supervisors.

Mr. Bamford indicated that he has met with East Hempfield Township staff and that at some point in the near future, he will be meeting with them again.

Mrs. Hoffer reminded the planning members and audience that a complete presentation of the conditional use request was provided at the March 21, 2007 Planning Commission meeting, therefore, the applicants were simply present this evening to follow up on some specific pieces of information which evolved from that presentation.

Mrs. Hoffer proceeded through the specific requirements and general standards for the conditional use process and indicated that the applicants feel as though they are either meeting or exceeding all of the general requirements for conditional use.

Mr. Young identified the area of the tract which lies within East Hempfield Township and which consists of approximately 1.5 acres.

Mr. Fox briefly discussed the architectural compatibility in response to staff's comments.

Mr. Jacobs presented planning members and staff with a set of responses to the April 4, 2007 Township Review letter, specifically addressing the crucial requirements as outlined in the review letter.

Mr. Jacobs advised that there were a lot of comments pertaining to the details of the traffic impact study and that the applicants are supplying this response letter in order to provide the Township with an assurance that the issues can be adequately addressed.

Mr. Jacobs indicated that based on their calculations, the most affected intersection will be Harrisburg Pike/Dillerville Road/President Avenue. However, that even with the proposed development, Mr. Jacobs indicated that this intersection will still be better with the roadway improvements than it would be without the development.

Mr. Jacobs further advised that the other intersections will certainly function better than their existing conditions with all of the roadway improvements in place.

Mr. Fry indicated that a letter from J. Richard Gray, Mayor for the City of Lancaster, had just been received by the planning members that evening. Mr. Fry proceeded to read the letter to the applicants and audience members. (Mayor J. Richard Gray's letter is an addendum to the minutes).

Mr. Bamford and Mr. Smithgall both provided a brief response to Mayor Gray's statement.

Mr. Smithgall indicated that High Associates meet regularly with the City and with the Mayor about this project, therefore, the letter from the Mayor was somewhat of a surprise to him.

Mr. Smithgall further indicated that High Associates will be reaching out to the representatives of East Hempfield Township.

Mr. Geisenberger stated that there have been numerous meetings regarding this project and that, other than a few East Hempfield residential neighbors with concerns involving Farmingdale Road, there has been a lack of attendance and participation by significant players.

Mr. Geisenberger indicated that, in his opinion, it is a bit late for the City of Lancaster and East Hempfield Township to try and come in now, especially since they have been invited to the table a long time ago and that they both knew that this project was coming down the pike.

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Mr. Geisenberger stated that it is unfortunate that neither the City nor East Hempfield have come up with any pro-active recommendations for what they would like to see as part of the transportation improvement project.

Mr. Geisenberger advised that he still encourages High Associates to satisfy the needs of the City and East Hempfield, but felt as if there was really nothing more Manheim Township could've done to obtain their participation.

Mr. Geisenberger indicated that, at this point in time, the Roadway Improvement Plan is where the Manheim Township planning members should be concentrating on and putting all efforts towards.

Mr. Fry thanked the applicant and asked for public comment. There was no response.

On a motion by Mr. Reed, seconded by Mr. Rathman, it was recommended to table this Conditional Use Request.

Motion Approved 5-0, with Mr. Gibeault abstaining.

The new public hearing date will be tentatively scheduled for June 11, 2007.

On a motion by Mr. Gibeault, seconded by Mr. Wolf, it was recommended to adjourn the meeting.

The meeting adjourned at 9:30 p.m.

The next Regular Planning Commission meeting is scheduled for Wednesday, May 16, 2007 at 6:30 p.m.

Respectfully submitted,

Shannon L. Sinopoli