

Manor Township Zoning Hearing Board Minutes

Wednesday, March 6, 2019

Time: 7:00 p.m.

Chairman, Bradley Singer called the Manor Township Zoning Hearing Board meeting to order in the Manor Township Municipal Building located at 950 West Fairway Drive, Lancaster, PA 17603 on March 6, 2019 at 7:00 p.m. Chairman Singer led those in attendance in the Pledge of Allegiance and introduced the Board.

Members Present: Bradley Singer, Missy Charles, and Dennis Funk
Staff Present: Nate Taggart and Michelle Smith
Township Solicitor: James McManus
Visitors: See attached Sign-In Sheet

Previous Month Minutes – Dennis Funk made a motion to accept the February 6, 2019 meeting minutes as they have been submitted. Missy Charles seconded and the motion carried unanimously.

Old Business

Case #1-2019 – Joshua L & Brooke E Wenzel, 12 Chamberlain Ln, Millersville, PA 17551. The applicant is requesting a Variance to section 425-13A (RL Zone - Purpose) to install onsite septic and a well on the property located at 194 Ironstone Ridge Rd, Lancaster, PA 17603, Tax ID Number 410-91125-0-0000. The property is located in the Low-Density Residential (RL) Zone.

Chairman Singer stated that this is a continuance from the last meeting. The continuance was allowed because there was research that needed to be completed. He reminded everyone that they are under oath and asked if there were any other persons presenting that will need to be sworn in. There were none. Joshua Wenzel distributed handouts to the Board. This was marked as Exhibit #5. He stated that the water is the responsibility of Lancaster Water Authority and they are responsible for installing the lateral and hook up. There will not be a tapping fee. The only cost that the homeowner will incur is a \$110.00 capacity fee. Mr. Wenzel received this information from Benjamin Perwien, Utility Engineer for City of Lancaster. Mr. Perwien explained that the section of water lateral between the main and the curb stop is the ownership and responsibility of the City. Anything on the customer side of the curb stop is the responsibility of the homeowner.

Joshua Wenzel went on to explain that he has been in correspondence with Peter at LASA to review the sewer portion of the project. All costs related to the sewer connection will be the responsibility of the homeowner. The cost will include tap in fee, cutting the street, trenching, installing the manhole, installing the lateral, inspection, stoning in and running a 4 inch sewer line with clean outs. The cost estimation for this is \$15,000 - \$18,000. Mr. Wenzel received this estimate from Custom Home Group. LASA provided Mr. Wenzel with their Rules and Regulations. He reviewed them with the Board. The homeowner will pay for the installation of the lateral, testing, inspection and backfilling. The homeowner will also pay a tapping fee and is responsible for obtaining street opening permits from the municipality.

Mr. Wenzel provided an aerial map of Ironstone Ridge Road. He pointed out properties in the area of his lot that have wells and are not serviced by LASA. There are numerous larger lots with houses set back from the road that are not serviced by public water and sewer. He defined the properties as 185, 186, 192, 212, 213, 216 and 221 Ironstone Ridge Road, specifically "Flag" lots 212, 221 and his lot, 194. There is consistency in how the public water and sewer runs in the area. There is currently not a lateral installed and, in his opinion, LASA never intended for his lot to be serviced by them.

Joshua Wenzel addressed the issue of road cutting. In order to hook up they would need to reach an access point. Even with horizontal boring, the road would need to be cut as the access point is at the intersection of Ironstone and Derby (with no road edge). Mr. Wenzel received a letter from Mark Harris, Public Works director from Manor Township, stating that Ironstone Ridge Road is not eligible to be open cut before July 21, 2020.

Mr. McManus clarified that Mr. Wenzel will incur costs to connect. Mr. Wenzel verified that there will be costs and agreed that anyone that connects will bear these costs. Mr. McManus asked if all of the properties highlighted on the handout are properties serviced by public water and sewer. Mr. Wenzel verified that they are; however, these lots are substantially smaller than the parcel that he owns. Mr. Wenzel went on to verify that the natural features and location of his lot makes it unreasonable for him to connect to public sewer. This is by virtue of its unique location, topography and amount of frontage on Ironstone Ridge Road.

Dennis Funk asked if Mr. Wenzel's intentions were to begin construction prior to the Township's July 21, 2020 deadline. Joshua Wenzel has a goal to start building in May or June of this year.

Dan Siegrist, Custom Home Group, clarified the \$15,000 - \$18,000 sewer estimate is for the lateral cost only. The total estimate for the sewer connection is \$21,000-\$25,000.

New Business

Case #1-2017 - The Extension Request of Reese Investments LLC property located at 135 West Charlotte Street, Millersville, PA 17551, account # 410-11799-0-0000. The applicant received approval for a Special Exception to expand a nonconforming use on May 3, 2017. The applicant is seeking an extension of the approval for the time to obtain permits until December 31, 2019 and the time to complete construction until December 31, 2020. The property is zoned Medium Density Residential (RM).

James McManus summarized the history of this case. The Ordinance requires that when a decision is granted the applicant is required to submit a land development plan. After the plan is approved, they would have six months to begin construction. Mr. McManus asked Nate Taggart if there has been any building or zoning permits issued for the subject of this development. Mr. Taggart verified that there have not been any permits issued. Mr. Taggart explained that the applicant has been working through some storm water management issues before they apply for their storm water management plan. The applicant will not be required to submit a formal subdivision or land development plan; however, they must submit a formal major storm water management plan. Nate Taggart went on to explain that the storm water management plans are handled in house by the Township Engineer, Township Manager and Zoning Officer. The administration will review and approve all storm water plans that meet the criteria and conditions. There has been a delay in obtaining an approved storm water management plan due to the requirements of the storm water ordinance and the location of facilities on the lot. It has been difficult for the property owner to locate where they can put storm water management facilities

on the lot. If the applicant doesn't comply with storm water management regulations, they cannot proceed with the project.

The applicant has represented to the Township that they believe they can provide an acceptable storm water management plan so that a permit can be issued by December 31, 2019. The next step would be to commence and complete construction. The applicant is requesting an extension until December 31, 2020. Nate Taggart verified that there has not been any changes to the Township Zoning regulations effecting this project since the Board reviewed application #1-2017. He also confirmed that the plans have remained the same and the information that was presented and approved on May 3, 2017 has not changed.

Bill Swiernik, from David Miller Associates, and Mike Charles were present. They were representing Reese Investments LLC. Mr. Swiernik is a landscape architect and he was present at the initial hearing. Mr. Swiernik is confident that they have found a solution that will work and the applicant will not be asking for future extensions.

Dennis Funk asked what will happen if the applicant does not meet the deadline. James McManus replied that they have two options: the application will die or the application will need to be resubmitted.

Dennis Funk made a motion for the Board to grant the request of Reese Investments LLC to obtain a permit to expand the nonconforming use as approved by the Board's decision #1-2017 by December 31, 2019 and to complete construction of the expansion in accordance with the approval not later than December 31, 2020. Missy Charles seconded and the motion carried unanimously.

Case #2-2019 - Manorvest LLC, 421 N Duke St, Millersville, PA 17551. The applicant is requesting a Special Exception to section 425-114 (Substitution or Replacement) to replace a nonconforming use with another nonconforming use on the property located at 190 W. Charlotte St, Millersville, PA 17551, Tax ID Number 410-36487-0-0000. The property is currently occupied by a commercial business and the applicant proposes to convert the existing building into eight (8) one bedroom apartment units. The property is located in the Medium-Density Residential (RM) Zone.

James McManus stated that the applicant, David Charles, is present and will be representing himself. Mr. Charles has an Agreement of Sale to purchase the property. The Agreement of Sale was submitted to the Zoning Officer and Mr. Taggart distributed an electronic copy to the Board. The record owners, William and Karen Napier were also present.

Mr. McManus reviewed how the hearing will operate and defined the term party. A party is someone that is going to be effected by the application in a way that is not generally experienced in the community. A party will have a particular interest in the case. The following individuals identified themselves as a party:

- Jack Gardner – 311 Houffman Place, Millersville
- James Kalenich – 316 Houffman Place, Millersville
- Rita Sellers – 302 Aletha Lane, Millersville
- Scott Kirby – 324 Houffman Place, Millersville
- Sharon Tell – 195 West Charlotte Street, Millersville

Mr. McManus requested that Nate Taggart, Zoning Officer for Manor Township, be sworn in. In that capacity, Mr. Taggart received the application from Manorvest LLC, indexed at #2-2019. The application was on standard Township form that was fully complete and signed by the applicant. The application includes a two page standard form, a letter from Manorvest LLC and an Agreement of Sale. A list of adjoining property owners was also provided with the application. The application contained a cover sheet of the existing building and proposed improvements to the property. This has been prepared by engineer James Koppenhaver. There were also computer generated graphics of the building at various elevations along with floor plans. The application was marked as Exhibit #1. A notice of the time, date, place and subject matter of the hearing was published in Lancaster Newspaper on February 19, 2019 and February 26, 2019. The proof of publication was marked as Exhibit #2. Mr. Taggart additionally posted the property, which is the subject matter of this application, with a notice of the time, date, place and subject matter of the hearing on February 26, 2019. The same notice was placed in the lobby of the Manor Township Municipal Building on February 19, 2019. All notices contained identical text. A notice of the meeting was also posted on the Manor Township website.

James McManus requested that David Charles be sworn in. Mr. Charles is representing Manorvest LLC, which he is a managing partner of. The property which is located at 190 West Charlotte Street measures 140 feet along West Charlotte Street and 200 feet in depth along Houffman Place. The current building is a two story 40' by 80' masonry block building that is being used for a commercial business. There is a lot of parking around the building and it is 89 % impervious area. All of the adjoining properties are being used for residential purposes. Currently there is a concrete floor between the upper and lower level of the building.

Mr. Charles is proposing a renovation that would give the entire building a facelift. He would like to turn the building into an eight unit up-scale apartment complex. There would be four units downstairs and four units upstairs. The luxury units would include granite counter tops and stainless steel appliances. A 40' by 22' garage would be constructed in the back of the building that would hold up to four vehicles. It would be for tenant vehicle storage only. The parking requirements for an eight unit building are two spaces per unit. The proposed parking lot would have 18 spaces plus 4 garage spaces. Mr. Charles plans to eliminate some of the parking lot and add green space to the property. He plans to remove the parking along West Charlotte Street and limit access to a single access in and a single access out. The building is serviced by public utilities. Everything will be built to code and the building will include a sprinkler system. Manor Township requires a horizontal and vertical masonry block firewall to separate the units. This building has a horizontal firewall but structurally it is impossible to have the vertical firewalls. Mr. Charles applied for a waiver from Section 333-7. The waiver was approved by the Supervisors on March 4, 2019.

By eliminating the parking spaces in front of the building and moving the exit 100 feet to the west, traffic should be improved near the intersection. There won't be vehicles parked along the road to restrict the flow of traffic. Mr. Charles feels that the building improvements will increase safety, be attractive to the area, and increase compatibility with the existing structures.

Dennis Funk asked Mr. Charles if he has considered any other options, such as a single home or a duplex. The building is 6400 square foot and Mr. Charles felt that it would be a massive project to turn into a single home. The only other reasonable use would be to turn the building into office space.

James McManus inquired about the existing number of parking spaces. The lot currently has 46 lined spaces. The proposed parking area would have 18 spaces and 4 garage spaces. Mr. McManus asked

what the reduction of impervious area on the lot is. Mr. Charles stated that 3497 square feet of macadam will be removed for a decrease of 12.6% impervious surface. Mr. McManus wanted to know if all of the apartments are going to be the same size. Mr. Charles reported that they would be close. The apartments would range from 730-830 square feet. All of the apartments are going to be one bedroom units and Manorvest does not permit more than two unrelated parties living in a unit. The apartments will have one – two occupants per unit. Mr. Charles is not targeting a student population. He owns Country Manor Apartments on Duke Street. In that complex there are 30 one bedroom units. Out of those 30 units, eight units are occupied by students. Mr. Charles has found that students are more attracted to the two and three bedroom units because they are more affordable for students. Manorvest has their own management team with their own rules and regulations. They strictly enforce these rules and regulations. They do not advertise on the college campus.

Brad Singer asked Mr. Charles to clarify his definition of upscale and elaborate on the type of residents that they are looking for. Mr. Charles is not looking for low income individuals. He is seeking young professionals. Historically, young couples used to start out in two bedroom apartments. When the market got tough and rates went up on rental housing, these couples started seeking one bedroom units. The garage units were included in the plans, because Mr. Charles found that young professionals take great pride in their vehicles. The extensive exterior renovations will give the building a total facelift and eliminate it from looking like an old block building.

Jim McManus wanted to know more details on the restricted access drives. Mr. Charles stated that the driveway will be reduced to 18 feet. This is minimum required width for one way circulation. Currently, there is no defined area for the entrance and exit. Mr. Charles in looking to enforce one way traffic circulation and eliminate the parking along Charlotte Street. Mr. McManus also wanted clarification on the concrete shell of the building. He asked if the concrete block will remain intact or if there are plans to tear down and rebuild. Mr. Charles plans to work within the structure. There will be windows added in the block, but the exterior walls will not be removed. The concrete block is going to reduce the noise that emanates from the building.

Jack Gardner asked about the Fire Alarm System that is planned for the building. He wanted to know if the system will automatically be connected to 911. He is concerned about false alarms. Mr. Charles explained that the building will be monitored for fire. Mr. Gardner asked about the trash facilities on the property. Mr. Charles stated that there will be dumpsters in the southwest corner of the property. They dumpsters will have gates on them. Mr. Gardner wanted to know about snow removal on the property. Manorvest has their own plows and will take care of the snow removal. They also own a construction business so have the ability to maintain all of their own sites. Mr. Gardner wanted to know if there will be a fence added to back of the property. Mr. Charles said that there are no plans to add a fence at the present time.

James Kalenich had a concern about parking. There is limited parking on neighboring properties. People park on the grass areas and track mud with their vehicles. Mr. Kalenich does not know if 22 spaces is going to be enough and wanted to know if there was a way to add more spaces for visitors. Mr. Charles reiterated the fact that he is already exceeding the minimum parking requirements by six spaces. There is also an additional area towards the back of the property where people could park. They are not designated as parking spaces, but there is room on the property for overflow parking. Mr. Kalenich also inquired about fencing. He feels that these are two different types of residential housing and would like

to see a barrier separating them. Mr. Charles pointed out a natural buffer that runs along the western side of the property. Mr. Charles would not be opposed to adding a fence to the open portion of the lot.

Rita Sellers is also concerned about fencing. She asked if Mr. Charles would consider adding fencing to his plans. Mr. Charles needs clarification on the walking trail. He asked if the trail has public access/easement. Ms. Sellers said that it does. Mr. Taggart was not positive on the answer to this question. Mr. Charles stated that a fence on the southern edge of the property would force people out to the sidewalk. He would consider adding a decorative fence to deter foot traffic through the grassy areas. Ms. Sellers wanted to know who she could contact if there are any problems with the residents or the property. Mr. Charles answered by stating that the Manor Leasing Maintenance Office is located at 421 North Duke Street and would be available to address concerns. They would oversee the operation and enforce compliance.

Scott Kirby is bothered by the fact that the dumpster will be positioned so close to his property. He is concerned that flies, skunks, and other critters will be attracted to the trash. He was not sure that a fence would be enough of a barrier. Mr. Taggart shared the updated Zoning Ordinance regarding refuse collection containment stations. The collection stations must be located a minimum of 15 feet from the property line. The proposed dumpster area will need to be moved to meet the Township requirements. Mr. Charles explained that the fence surrounding the dumpster would be a solid fence. Mr. Kirby also asked if pets were going to be allowed in the rental units because there has been a rising problem with dog waste. Mr. Charles does allow pets; however, he assured Mr. Kirby that they police this issue. A question came up about the outside lighting on the property. Mr. Charles said that there are currently dusk to dawn lights on the outside of the building. The main focus on lighting is going to be in the parking area. Mr. Charles said that if spillover lighting is a problem a shield can be added to prevent this.

Missy Charles asked David Charles if the parking spaces are going to be assigned. Mr. Charles does assign parking spaces, so guests will have the opportunity to park in any of the spaces in the lot. The only assigned parking will be the four garage spaces.

Rita Sellers was sworn in. She shared a letter from Terry Kile, a resident that was not in attendance. The letter was marked as Exhibit #3 and distributed to the Board. Ms. Sellers has experienced some negative things with rental units in the past. Rental units bring high turnover, pets, trash, partying, property destruction, elevated noise and parking issues. She is concerned about atmosphere of her neighborhood.

Mr. Taggart also provided the Board with an email that he received from resident, Charles Heidel. This was marked as Exhibit #4.

Linda Hampton, 310 Aletha Lane, was sworn in. She shared her concern about the declining property values of the homes in Westwood Green. The decline was a result of property owners renting to college students. She also has a concern regarding T-connectors in her development. She just received notification that Westwood Green is being evaluated and there are T-connectors in the area that need to be repaired. Ms. Hampton wanted to make Mr. Charles aware of this issue.

Sharon Tell, 195 West Charlotte Street, was sworn in. She shared her concern about parking. There has been an ongoing problem with parties and parking. In the past, they have experienced problems with people parking in their yard. The problems start on Thursday and run throughout the entire weekend.

Ms. Tell is also concerned about dog waste. There is already a problem with pet waste in the neighborhood and she is afraid that the problem will be amplified with more dogs. She wants to have someone to contact if problems arise.

Scott Kirby was sworn in. Mr. Kirby moved into the area four years ago. His neighborhood is a very tight community. There is a sense of pride among the residents and he doesn't want to see this destroyed. Mr. Kirby also expressed a financial concern. He doesn't want to see his investment value go down. He wants to keep the standards up and make sure that the integrity of the entire area is kept.

David Charles concluded by saying that parking requirements are exceeded by 30 percent. He doesn't see parking becoming an issue at the property. Mr. Charles is not targeting students and has no intentions of turning this into student housing. Price points are going to be set high enough that most students will be deterred. Manor Leasing will handle all of the maintenance and management of the facility. Mr. Charles encouraged people to report problems and his staff will address the concerns. Mr. Charles stated that there are no outside decks on the proposed plans. Outside patios and decks draw student parties and this building does not have them. Mr. Charles feels that the proposed use for this building will be more compatible with the surrounding area than the current commercial use is.

James McManus verified that the current property owners were present. William and Karen Napier were present and stated that Mr. Charles has their permission to seek this application for this special exception. Mrs. Napier feels that the proposal is going to be a property improvement.

Brad Singer commented that with no further business to discuss the meeting will close. Dennis Funk made a motion to adjourn the meeting. Missy Charles seconded and the meeting adjourned at 9:06 p.m.

Respectfully Submitted,

Dennis Funk
Secretary

Recording Secretary
Michelle Smith