

## Planning Commission Meeting Minutes

Monday, January 11, 2021

7:00 p.m.

Chairman Jay Provanzo called the meeting to order on Monday, January 11, 2021 at 7:00 p.m. Mr. Provanzo led those in attendance in the Pledge of Allegiance to the Flag and introduced the Board.

Members Present: Jay Provanzo, Pamela Shellenberger, Martin Peake, Keith Hoover, Mark Harman, James Henke

Members Absent: Don Mann

Staff Present: Nate Taggart, Adrienne Kautz, Ryan Strohecker, Mark Harris

Visitors Present: See Attached Sign In Sheet

**Public Comment** - There was no public comment.

Appointments by the Manor Township Board of Supervisors – Jay Provanzo has been appointed for the term January 4, 2021 to December 31, 2024. Don Mann has been appointed for the term January 4, 2021 to December 31, 2024. James Henke has been appointed for the term January 4, 2021 to December 31, 2024.

Re-Organization – James Henke made a motion to approve Jay Provanzo as Chairman, Pam Shellenberger as Vice-Chairman and Don Mann as Secretary. Martin Peak seconded, and the motion carried unanimously.

Set Meeting Dates for 2021 – Chairman Provanzo entertained a motion to meet the second Monday of each month at 7:00 p.m. except in October, meeting will be held on Tuesday, October 12, 2021. James Henke so motioned. Pam Shellenberger seconded, and the motion carried unanimously.

Approve the Meeting Minutes from December 14, 2020 – Pam Shellenberger made a motion to approve the December 14, 2020 Planning Commission minutes meeting as presented. Keith Hoover seconded, the motion carried unanimously.

New Business

Manor Township Official Map Update & Adoption – Pam Shellenberger commented that it would be more user friendly if some of the street and park names were listed on the map to be able to get your boundaries. Many people live in the Township but may not necessarily know the street names, Ms. Shellenberger believes it would be more helpful to identify these on the map. Ms. Shellenberger asked if there is any proposal to connect the Northwest River Trail with the Enola Low Grade? Mr. Strohecker commented that the reason the road names are not on the map, is because that is not what this map is designed for. We do have other maps that we use for our roads. Mr. Strohecker agreed that Ms. Shellenberger made a good suggestion to have at least have some of the major interior roads identified on the map. Mr. Strohecker commented that they just went through the feasibility study for the connection of the Northwest River Trail and the Enola Low Grade. Mr. Strohecker and Mr. Harris confirmed that they are looking to connect the two.

Mr. Provanzo asked when the map is finalized will it be on a different scale? Ms. Kelley from Rettew indicated that they can do anything that is requested. Mr. Harris indicated that Park and Recreation did look at the map about a year ago and distributed the maps to the committee members in mid-2019 and received input from them. There are some areas on the map that will be adventitious to the Township in the future. Pam Shellenberger made a motion that the official Manor Township Map revised dated January 5, 2021 be recommended to the Township Supervisors for approval subject to identifying some of the major corridors and some of the existing parks. Keith Hoover seconded, the motion carried unanimously.

20-010 – Final Subdivision Plan for LCSWMA located at 1280 Breneman Road – The applicant is proposing to subdivide a 61-acre property into 3 lots. The property is zoned Agricultural.

The applicant is requesting modifications to the following sections: 388-11 (Preliminary Plan), 388.19.A (Plan Scale), 388-36 (Water Feasibility Report), 388-37 (Sewer Feasibility Report), 338-38 (Traffic Impact Study), 338-39 (Wetland Study), 338-40 (History Features Report), 388-42.E & 388.42.G (Reconstruction of Existing Streets and Right of Way).

Mr. Todd Vaughn with David Miller Associates and Nicholas Kohr from the Lancaster County Solid Waste Management Authority presented a plan that represents the boundary of the approximate 61 acres. LCSWA is looking to subdivide the property into 3 lots. We are proposing improvements with the plan. The proposed subdivision would be 40+ acres on the Southern side of Breneman Road, the existing house on Breneman Road and a portion on the North Side of Breneman Road, all will remain Ag and Residential use. We are taking off the 2.7 acres which is the smallest lot for the Crestwell Cemetery Association. We have previously been before the Zoning Hearing Board for the Cemetery in the Ag Zone. Mr. Vaughn commented that this was the last opportunity for the Crestwell Cemetery Association to receive additional land to add to their long history of serving the community.

Mr. Vaughn received a review letter from Rettew suggesting that David Miller Associates change this plan to be a revised final. Mr. Vaughn commented that they have changed that and withdrawn the preliminary plan modification request. We have also added another modification which is the Hydro Geologic Study since we are not proposing anything new with the subdivision. We have a note on the plan that any further land development improvements on any of the lots would require land development submission with land studies.

Ms. Shellenberger commented about the land that is Parcel 1 which is proposed to go to Crestwell Cemetery. Is it going to remain a separate parcel? You aren't going to join them? Mr. Vaughn stated that is going to remain a separate parcel. Ms. Shellenberger commented you typically require a Lot number for a Lot Add On parcel if it is being created as a Lot but that Lot being joined with it, whether it should be assigned a Lot number. Mr. Vaughn stated that they are not creating a Lot it is an existing Lot but adding to. Mr. Vaughn stated that they are eliminating an existing dimensional issue with the barn. Ms. Kelley from Rettew commented that they did talk to Mr. Vaughn about the adding a lot to the cemetery. Rettew's review didn't see the need for an additional lot number. Once this gets recorded Mr. Vaughn will do a confirmation of the deed. Mr. Vaughn commented that they will prepare legal description for new deeds that need prepared.

Mr. Henke commented to Mr. Vaughn do they approve of the review letter from Rettew dated January 11, 2021. Mr. Vaughn was good with the letter from Rettew, the only question that was brought up was the Right-of Way around Breneman Road, right now it goes out and around the barn. They are

currently discussing with LCSWMA to see their comfort level, we will also work with the Township to see what they are looking for.

Mark Harman made a motion to bring this item from a Briefing Item to an Action Plan. Martin Peak seconded, and the motion carried unanimously.

Mark Harman made a motion recommending approval of waivers from Section 350-32 the Hydro Geologic Study, Section 388-19.A (Plan Scale), Section 388-36 (Water Feasibility Report), Section 388-37 (Sewer Feasibility Report), Section 388-38 (Traffic Impact Study), Section 388-39 (Wetland Study), Section 388-40 (Historic Features Report), Section 388-42.E & 388-42.G (Reconstruction of Existing Streets and Right of Way) based on the justification provided by Rettew letter dated January 11, 2021. Pam Shellenberger seconded, and the motion carried unanimously.

Mark Harman made a motion recommending approval of the 20-010 Final Subdivision Plan for LCSWMA located at 1280 Breneman Road provided satisfactory and completion of the Rettew letter dated January 11, 2021. Pam Shellenberger seconded, and the motion carried unanimously.

20-009 – Sketch Plan for Bender Mill Rd Subdivision – The applicant is proposing a 204 single-family detached home subdivision located South of Bender Mill Rd, North of Carol Dr, East of Central Manor Rd, and West of Bender Rd. The applicant is requesting a recommendation to the Zoning Hearing Board per Section 425-46 of the Zoning Ordinance for a Special Exception for Cluster Development Vested Protection as it relates to Zoning Hearing Application #2-2021. The proposed subdivision will include the 89.74-acre parcel identified as a tax ID number 4102964900000 and approximately 11 acres of the parcel known as 242 Bender Rd. The property is zoned Low Density Residential Flex.

Ms. Shank from McNees Wallace and Nurick LLL, along with Bill Swiernik from David Miller and Associates who is the project land planner attended on behalf of Stone Mill Partners LLC represented by Mark Wills and Scott Wigglesworth. Our proposed development involves the consolidation of a roughly 89-acre lot with an 11-acre portion which is the Grace United Methodist Church property. We are looking to form a new 100-acre lot. The property is South of Bender Mill Road. We are proposing to develop this site into a Cluster Development with 204 single family dwellings. The property is in the Low Density Residential Flex district where Cluster Development is permitted by special exception. The Planning Commission has seen this plan, which was presented in October, we are here again tonight for the very limited purpose to recommend to the Zoning Hearing Board that Vested Protection for this development be extended. The Township Zoning Ordinance contains a provision specifically Section 425-46 that contemplates projects such as ours (larger scale Cluster Development with 100 or more dwelling units). This section allows us to request as part of our special exception process that the Vesting Protection for the development be extended. Under the Pennsylvania Municipalities Planning Code once a land development plan is approved, that plan is protected from changes in the Zoning Ordinance for a period of 5 years. Projects of this scale can take longer than 5 years to build so this section allows us to come before the Planning Commission and Zoning Hearing Board and ask for additional time/additional protection from changes in the ordinance. That protection can last up to a period 10 years. The ordinance requires that Planning Commission review the concept plan and make a recommendation to the Zoning Hearing Board. We have submitted our special exception application to the Zoning Hearing Board and that is going to be presented at their February Zoning Hearing Board meeting.

Mr. Swiernik of David Miller and Associates stated this plan is generally the same plan that was presented in October. We are going to extend two roadways, Money Hill Road and Dublin Drive to the West. We will connect to Bender Mill Road to the North, and we extend through to the new road within Carol Drive Subdivision, this road is Bank Barn Road. The intention would be to establish an open space development, the proposed density would be roughly 2-3 dwellings per acre as opposed to the 3.5 that is permitted, providing roughly 28% open space as opposed to the 20% open spaced that is required. The Lot coverage is around 25% where permitted at 40%, we would be connected to public water and sewer. As of now we have received the water capacity approval. The construction time frame on this project (if you take this number of dwelling units and spread it out over 10 years) is approximately 21 dwelling units per year. This would be a phased plan based on the proposed land development. We would break this out into individual phases. This would be determined on drainage areas, sewer extension areas and to provide emergency access for each phase.

Mr. Provanzo commented that this is a unique situation where the Planning Commission gets to see the plan before it goes to Zoning Hearing Board. In this case, our interest is for the Vested Protection.

Mr. Harman asked if we are making a recommendation of approval to the concept plan to the Zoning Hearing Board. Mr. Strohecker elaborated this is not recommendation based on the plan before you that will come at a later date. This is very specific to a piece of our ordinance. Mr. Provanzo commented that they will have to follow the traditional land development path if they achieve the special exception through Zoning Hearing Board. Mr. Strohecker commented that they will have to submit to Zoning Hearing Board first, then submit to the Planning Commission for review, and submit to the Board Supervisors for approval or not approval.

Mr. Henke asked if the Zoning Hearing Board for the special exception, has the ability to attached reasonable conditions. Mr. Taggart commented that the Zoning Hearing Board will attach any comments to the approval. There is a special exception application for specific criteria, that can be attached to the application.

Patricia Beaumont of 145 Carol Drive inquired about the purpose for Ms. Shank and Mr. Sweirnik attending this meeting. Mr. Provanzo commented they are here because of the size and scope of the development they are looking for protection for a longer period of time as it relates to the plan, so they do not have to come back again in 5 years from when the plan is approved, to when it is vested. Because at 5 years that would be roughly 40 lots per year, there is concern with absorption. They would like that protection extended to 10 years. Mr. Provanzo commented that we generally, in this Township, do not see many of these big developments come through. In order for them to go through Zoning Hearing Board they needed to come to the Planning Commission and review it with us. Ms. Shellenberger commented that this also protects them from changes to the Zoning Ordinance that would happen within the interim. Instead of only protecting them from Zoning changes for the first 5 years, this would extend them protection to abide by the current regulations for the time of the Vested Protection.

Ms. Beaumont commented that are our property boundaries connect, so if approved it would be agreeing that for the next 10 years they could do whatever is in the Ordinance now instead of having to change in five years. Ms. Shellenberger commented if the Cluster Provisions Ordinance were amended

in the interim, they would not have to abide by the change, they would still be allowed to develop under the current Ordinance. Ms. Beaumont commented that this would be a concern for their property.

Ian Beaumont of 143 Carol Drive commented that a lot can happen in ten years in the area if we are not able to revisit it. It does not seem that it would hurt to revisit it in 5 years if things are the same. If for some reason it would be something standard, I don't see why we couldn't follow the standard if it was put in place for a specific reason.

Ms. Shank commented that we fully engineer the plan based on the ordinances the way they are today. There is a lot of time, money and effort that goes into that. The problem is if there are opportunities down the road that would impact the plan, we would have to go back and re-engineer the plan. Mr. Swiernik elaborated there are protections for the Township to ensure that the project we put forward is consistent with the requirements that they set up. It also protects the applicant and landowner as they move forward through the project, if they all of the sudden have to do something that wasn't contemplated with the original scope of the project. These changes that we are asking to protect from are broad scope items that the Township really hasn't made huge changes to. If there is some technical change to the curbing after plan approval, the criteria that we would have to follow would be relative to the current standard.

Mr. Provanzo commented that another item to consider is change in density. Mr. Provanzo sits on the Lancaster County Planning Commission committee and the other item that they push is higher density from a residential standpoint. If they have this plan vested and come back after 5 years and have significant density changes, would you be able to change it then? Mr. Swiernik commented if there was an interest by the applicant and landowner they could come back before the Board to ask for consideration of changes that are favorable to their application. All the elements that are part of the special exception have not been routinely changed on annual basis. This Ordinance has been in place since 2007. This Vested Protection is very specific to the items in the Ordinance.

Pam Neidig of 137 Carol Drive asked if a traffic study has already been done. Mr. Swiernik commented that there has not been a traffic study done as of now. There is a trip generation report for the amount of traffic that we anticipate coming from the project. Ms. Neidig is concerned about the number of vehicles coming out of Carol Drive. On Carol Drive there are many cars that park along the street, there are many times where you have to stop and let other vehicles come through. It may become a situation with adding more vehicles. Mr. Provanzo commented that this will be part of the process that Mr. Swiernik will have to go through a trip generation report and work with the Township staff and roads department.

John Beaumont of 145 Carol Drive commented that the number of cars is not the issue totally. It is a very narrow road and people park on both sides and families walk their kids to bus stop. The way in which the road is used and laid out for parking. Mr. Beaumont other is concern is with all the housing whether the sewer system is set up for that much housing. Mr. Provanzo commented that part of the process is to work with the sewer authority to ensure that they have the capacity to support it. Mr. Swiernik has not received correspondence from the sewer authority yet. That will need to be submitted to the Township.

Jim Quinn of 33 Dublin Drive inquired that at the last meeting there were many questions asked but none were addressed, and it appears that this plan is going to go through. There is roughly 100 acres here and not one mention of a recreation area here. Mr. Strohecker commented we do not have an

official plan, this is not an approved plan, the comments that are being made are not pertaining to what is being presented this evening. These comments should be reserved for a later meeting at the Zoning Hearing Board or the Planning Commission where these questions could be answered with a submission of an official plan. This sketch plan is dealing with the Vested Protections. Mr. Quinn commented that the construction company is planning on designing 32' wide roads at some areas and then 25' wide roads and then go out to Bender Mill Road which is 21' road. You are going to filter all these vehicles out that road. If this is not the meeting to ask these questions Mr. Quinn would like to know what meeting he needs to go to have these issues addressed. Mr. Strohecker commented that Mr. Quinn is permitted to ask these questions at the Planning Commission you are just at the wrong meeting to ask them. The plan has not been submitted to the Planning Commission as of yet.

Mr. Provanzo commented that if this makes it through special exception with certain criteria. Then there will be plans that will be much more detailed than this. The Planning Commission values Mr. Quinn's questions and they will be addressed at a later date.

Mr. Strohecker commented to Mr. Quinn that at the previous meeting he offered to have Mr. Quinn come into the office to discuss the questions he had. Mr. Quinn stated that the reason why he didn't schedule a time is because the discussion time would be between Mr. Quinn and Mr. Strohecker and not in a public setting.

Ian Beaumont of 143 Carol Drive commented he believes that what the committee is deciding tonight is who to protect. You are either protecting the company coming in to develop the area or protecting the Township. This is an important decision.

Mr. Henke asked if the application going to the Zoning Hearing Board will include the sketch plans. Is this drawing going to be attached to the special exceptions conditions so that if there is going to be a substantial change then you are backing up through that process again? Ms. Shank commented that typically when you have a special exception the decision is made based on the testimony on that is has been submitted to the hearing. Usually, the conditions approved, so if there is a significant change that was testified when the representative hearing took place then the applicant has to come back again to amend the special exception. Mr. Henke stated that this would be listed as Exhibit A for example in the testimony that would be given as it relates to that plan. Ms. Shank commented once we have the approval, if there would be changes we would have to go back and seek modifications. Mr. Provanzo commented that it would relate to number of lots, percentage of common open space, phasing, etc.

Mr. Peake commented that if the plan goes through and is approved and five years go by and there are some changes to the Zoning Ordinance but no changes to the plan they can build what is on the approved plan for up to 10 years. The only way they can go back and redo a modification that was made to the Zoning Ordinance is if they want to make a change to the approved plan with the Vested Protection.

Pam Shellenberger made a motion that we recommend to the Zoning Hearing Board that the Bender Mill Road Cluster Development Concept Plan as shown on the map prepared by David Miller and Associates dated June 15, 2020 and last revised on November 11, 2020 be approved for Cluster Development Vested Protection Provision provided for in Section 425-46 in Manor Township Zoning Ordinance for a period of up to 10 years. James Henke seconded, and the motion carried with four votes in favor and two votes against.

**Other Business – None.**

**Adjourn–**

With no further business to discuss Mr. Provanzo entertained a motion to adjourn the meeting. Mark Harman seconded, and the motion carried unanimously. The meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Don Mann  
Secretary

Recording Secretary  
Adrienne Kautz