

## Manor Township Zoning Hearing Board Minutes

Wednesday, October 14, 2020

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 October 14, 2020 at 7:00 p.m. Chairman Singer led those in attendance in the Pledge of Allegiance and introduced the Board.

Members Present: Bradley Singer, Dennis Funk, Missy Charles and Scott Ream

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 September 2, 2020 meeting minutes as they have been submitted. Missy Charles seconded and the motion carried unanimously.

### New Business

Case #8-2020: Creswell Cemetery Association, 556 Stehman Church Road, Millersville, PA 17551. The applicant is requesting a Variance to section 425-11.B (Agricultural Zone Permitted Uses) and 425-11.D (Lot Size). The applicant is requesting approval to purchase a proposed tract of land, 2.787 acres in size, from an adjoining landowner to expand their current cemetery use. The property in question is part of the current, 61 acre, parent tract of land known as 1280 Breneman Rd, Conestoga, PA 17516, Tax ID 4105296500000 and is in the Agricultural (A) Zone.

Chairman Singer explained the process that the Board will follow for the hearing. Testimony will be presented to the Board this evening. The Board members will consider the testimony and individually provide the Solicitor with their opinion. The Solicitor will then draft a Decision, which will be rendered at the next meeting.

James McManus verified that the applicant was present. James Clymer, attorney representing Creswell Cemetery Association, was present along with Board members Jay Breneman and Harold Frey. There were adjoining landowners present as well. Chad and Jennifer Engle, owners of 1295 Breneman Road, and Hans Weber, owner of 3088 River Road, were in attendance. These neighbors requested party status. All of those in attendance were sworn in. Mr. McManus reviewed the process that the Board will follow this evening.

Nate Taggart is the Zoning Officer for Manor Township. In that capacity, Mr. Taggart administers and receives the applications that come before the Zoning Hearing Board. He received the application indexed at #8-2020 from Creswell Cemetery Association. The application was completed on a standard form provided by the Township and signed by Jay

Breneman, Secretary. The application consists of a two-page standard form, a two-page narrative, a list of adjoining property owners, an aerial photo, a letter from LCSWMA signed by Michelle Marsh, an Agreement of Sale and a subdivision plan. The application was marked as Exhibit #1 and the list of adjoining property owners was marked as Exhibit #1-A.

Mr. Taggart posted a notice of the time, date, place, and subject matter of the hearing in Lancaster Newspaper on September 30, 2020 and October 7, 2020. He received proofs of publication from the newspaper. The proofs were marked as Exhibit #2. The property that is subject of this application was posted with the same notice on October 7, 2020. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on October 7, 2020. Mr. Taggart has a list of adjoining property owners. Notice of the time, date, place and subject matter of the hearing were mailed to these property owners. All notices contained the same information.

Mr. Clymer opened testimony by calling on Jay Breneman, 556 Stehman Church Road, Millersville. Mr. Breneman is the Secretary/Treasurer for the Board and his address is the mailing address used for Creswell Cemetery Association. The physical location of the cemetery is 1164 Letort Road, Conestoga. The Association is a non-profit that operates separate from the Creswell EC Church. The Cemetery Association was chartered on May 8, 1924 and Incorporated on July 7, 1928. The Association is governed by a six-member volunteer Board. The cemetery is maintained by volunteers and the Association has money invested that allows them to proceed with the purchase of additional land. The cemetery has tried to expand in the past, but has encountered difficulties in doing so. If the cemetery does not purchase additional acreage, they will become land-locked and reach maximum capacity. The Association does not have plans to expand to other locations.

Mr. Clymer asked Mr. Breneman to highlight the parcel of land that the Association would like to purchase for the Board. Mr. Breneman referred to the Subdivision Plan, that was marked as Exhibit #1-B. Mr. Breneman explained the location of the existing cemetery and pointed out the 2.7 acre parcel that is adjacent to the property. The Association would like to purchase the highlighted parcel from LCSWMA. There is a proposed Agreement of Sale between Creswell Cemetery Association and LCSWMA. The Agreement will go before LCSWMA's Board and is expected to be signed by Monday. The Agreement was marked as Exhibit #1-C.

Mr. Breneman further explained the reason behind wanting to purchase additional land. The land will be used to expand the cemetery. It will stay in agriculture use until there is a need for expansion. Mr. Breneman anticipated the expansion would not occur for at least 30 years. He is confident that the current location will eventually run out of space. There are no other possibilities for adjacent expansions and the Association does not want to pursue other locations. The Association is requesting a Variance because the proposed lot size is larger than two acres permitted in the Zoning District. The Association would like to have a one-way driveway egress in the new area to connect with the existing driveway. LCSWMA is also looking for symmetry. These factors contributed to the larger lot size.

The cemetery is running out of room and needs more land for expansion. The cemetery is surrounded by farmland and the expansion will not change the neighborhood in any way. There are no plans to construct a building on the property. The new lot would be used exclusively for gravesites. The smaller area by the road would be used for a driveway and the larger area would be used for gravesites. The Association is not asking for a greater variance than what is necessary.

Missy Charles asked how much space is left in the current cemetery? Jay Breneman estimated that the current location may be sufficient for another 20 years. The new lot would accommodate up to 450 new gravesites. If the new lot is approved and purchased, the Association will utilize the current location and maximize capacity prior to using the new land. The land will continue to be farmed until there is a need for expansion.

Dennis Funk wanted clarification on how long the additional land would last. The land purchase will double the size of the cemetery. The current location will last for approximately another 30 years and then they will move into the new area. The additional land will last for another 100-150 years beyond that. Funds are a factor in how much land is being sought.

Brad Singer asked if it is possible to purchase only two acres? Mr. Breneman responded by stating that with only two acres the driveway could not come off Creswell Lane and they would lose a lot of area by having to make a looped driveway. It would be feasible to purchase less land, but it would not be advantageous to do so. The driveway needs a 15 ft buffer on either side, so it is important to strategically place it on the lot.

Mr. McManus asked what the acreage of the existing tract is? It is approximately two acres. The existing cemetery is accessed from a double-looped driveway which is located off Letort Road. There is a parking area along Letort Road that is owned by the Association and used by the church. The proposed tract is presently in agriculture use. The proposed lot is a flag lot. The actual cemetery area of the proposed lot is approximately 2.5 acres. A driveway would not be added to the proposed tract until it needed.

Mr. Clymer asked how many lots in the existing cemetery are sold but not yet being used? Mr. Breneman stated that there are no more than 20 sold lots. An additional 50 to 60 lots can be sold in the future.

Todd Vaughn, Project Manager with David Miller Associates, prepared the subdivision plan for the proposed tract of land. He identified the property boundaries of the parent tract for the Board and identified the dimensions of proposed lot. Mr. Vaughn confirmed that the cemetery will not change the character of the neighborhood. Cemeteries are not a permissible use in the Agriculture District. Presently the use of the subdivided tract is for agricultural purposes, which is a permitted use. The parent tract is 60.138 acres. This could be considered as several parcels that are created by virtue of public roads running through the tracts. The net area of the parent tract is 50.332 acres. The portion of the tract that is bounded by Breneman Road and Creswell Lane visually appears to be at least five or six acres. Mr. Vaughn confirmed that the

remainder of the lot, after subdivision, would still be suitable for agriculture use. The current use of the lot is for crops. Mr. Vaughn assisted with preparation of the application and he testified that the narrative is correct.

Harold Frey, 3780 Main Street, Conestoga, is the President of Creswell Cemetery Association. He stated that there is a lot of emphasis being placed on the driveway. The Association would like to maximize the area by efficiently placing the driveway on the proposed lot. It is going to make the most sense to add a driveway off Creswell Lane. Mr. Frey stated that nothing will occur on the cemetery extension for at least 25 years. They are making this prediction based upon the current rate of sales. The proposed tract will remain in agriculture use until it needed.

Mr. Clymer asked that the Board accept the exhibits as submitted with the application and as marked. The Board gave their approval. Mr. Vaughn asked that if relief is granted, a condition be they have time afforded to go through the subdivision process. Mr. Taggart confirmed the Ordinance grants 12 months. Mr. Vaughn would be able to work with this timeframe. Brad Singer closed testimony. He stated that the Decision for this case will be rendered at the next meeting which will be held on November 4, 2020. Mr. 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 8:08 p.m.

Respectfully Submitted,

Dennis Funk  
Secretary

Recording Secretary  
Michelle Smith