

Manor Township Zoning Hearing Board Minutes

Wednesday, July 7, 2021

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 July 7, 2021 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 and Missy Phelan
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 approve the April 7, 2021 meeting minutes as they have been submitted. Missy Phelan seconded and the motion carried unanimously.

New Business

Case #4-2021: Matthew & Julie Feiler, 2890 Club House Rd, Costa Mesa, CA 92626. The applicant is requesting a Variance to section 425-11.G(2) (Maximum Lot Coverage), 425-39.F (Driveway Width), & 425-122.K.(1) (Permit Deadline) to construct a detached single family dwelling on their property. The property in question is 23.64 acres in size, is located at 560 Shultz Rd, Washington Boro, PA 17582, Tax ID 410-90715-0-0000, 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.

Nate Taggart, Zoning Officer for Manor Township, was sworn in. In that capacity, Mr. Taggart administers and receives the applications that come before the Zoning Hearing Board. He received the application indexed at #4-2021 from Matthew & Julie Feiler for a Variance. The application was completed on a standard form provided by the Township and signed by Kent Mylin, Metzler Home Builders. The application consists of a two-page standard form, a four-page narrative, a proposed vehicle turning plan, a first-floor plan, a foundation level plan, a deed showing the conveyance of the subject property, and a two-page site plan. The application was marked as Exhibit #2.

Mr. Taggart posted a notice of the time, date, place, and subject matter of the hearing in Lancaster Newspaper on June 23, 2021 and June 30, 2021. He received proofs of publication

from the newspaper. The proofs were marked as Exhibit #1. The property that is subject of this application was posted with the same notice on June 25, 2021. Additionally, a notice was posted in the lobby of the Manor Township Municipal Building on June 25, 2021. Mr. Taggart compiled 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.

Brian Cooley, DC Gohn Associates, will be representing the Applicant at the hearing. He is authorized to provide testimony on their behalf. Mr. Cooley was sworn in. James McManus defined a party and asked if there were any individuals that wanted to request party status. There were none.

Kent Mylin, Metzler Home Builders, will also be providing testimony this evening. Mr. Mylin was sworn in. Mr. Cooley distributed elevation drawings to the Board. The drawings were marked as Exhibit #3. The detailed site plan that was included with the application was marked as Exhibit #2A, the overall site plan was marked as Exhibit #2B, the vehicle turning plan was marked as Exhibit #2C and the narrative was marked as Exhibit #2D. A copy of the plans was provided for the audience. Mr. Cooley opened his presentation by reviewing the detailed site plan and the overall site plan. He described the lot as an existing flag lot. The only road access that is a part of the lot is a narrow sliver of land connecting to Shultz Road. The lot consists of agricultural land, grass land and wooded areas. The subject property is part of the Agricultural Zone. The properties to the North, South and East of the subject lot are also zoned Agricultural. The properties to the West are zoned Rural.

The Feiler's are proposing to construct a single-family dwelling, a driveway, a sidewalk, a pool with a concrete pad, a pole barn and a pole barn area on the lot. The site will contain on-lot sewer and on-lot water. The lot has been perked and probed. The septic system is proposed to be on the east side of the dwelling.

Mr. Cooley stated that the property is a little over 23 acres in size. The proposal is for 22,000 sq ft of impervious area. The driveway area that is within the pole portion of the lot is not included in the 22,000 sq ft calculation. The property owners wanted to situate the house to optimize views of the Susquehanna River. The location of the home was dictated by topography and they also took into consideration not hindering the views of neighboring properties. Other factors in the placement of the home include minimizing site grading, minimizing disturbed area as a part of a stormwater design and it allows the on-lot sewer to be placed in a feasible location. There is an extensive wooded area that encompasses eight and a half acres in the southern portion of the lot.

Mr. Cooley testified that the home will be a single-story dwelling with a basement and a loft area. The main living area will be on the first floor. There may be a bedroom in the basement along with additional storage space. The home will be 4,500 sq ft. Because the home is a single-story, there is a larger footprint than a two-story dwelling. The pole barn and pole barn area will be used for recreational and maintenance items.

There are three different cover conditions associated with the property. There are five acres of agriculture land and this is where the home is proposed. There are also ten acres of grass area and eight and half acres of steep sloped wooded area.

Mr. Funk asked for clarification on the lot coverage. Mr. Cooley verified that the 22,000 sq ft coverage includes the dwelling, the pole barn, the driveway and the patio. The owners strategically planned so they can avoid future Variance requests.

Mr. McManus wanted to know what is the square footage of everything not including the driveway? Mr. Cooley and Mr. Mylin calculated the area of the home, the pole barn, the pool and the patio area to be 8,700 sq ft. The proposed driveways would make up the remaining area.

Ms. Phelan asked if a two-story home were to be constructed, how many square feet would be saved. Mr. Mylin testified that the footprint would be approximately 1,500 sq ft smaller.

Mr. Cooley stated the 22,000 sq ft represents 2.1 % of total lot coverage.

Mr. Cooley went on to explain Exhibit #2C, the vehicle turning plan. The proposal is for 56 feet wide driveway along the cartway of Shultz Road and 31 feet along the existing right of way line. Once you get into the site, the driveway will decrease in width to ten feet. This width would be maintained through the flagpole all the way up to the house. The pole portion of the lot is 16.66 ft wide, which would leave approximately three and a half ft on either side of the driveway. The driveway has been widened near Shultz Road to accommodate a 42 ft vehicle and boat trailer safely turning into the property.

Mr. Funk asked for more information on the driveway as it approaches Shultz Road, specifically on the southern end. Mr. Cooley verified the proposed driveway will go over the property line into the Township right of way to accommodate the turning radius.

Mr. Cooley testified that this could be processed as a stormwater management plan rather than a land development plan. Either way, the plan will be recorded at the courthouse. The Applicant is requesting 12 months to obtain a zoning permit and 18 months to complete construction after the recording of the plan. Mr. Cooley offered to go through the narrative if the Board had specific questions regarding this Exhibit.

Ms. Phelan requested more information on the placement of the driveway. Mr. Cooley and Mr. Mylin explained that the sharp turn will continue to exist even if the driveway is moved to the North. If the driveway were shifted, there would be a need for an additional Variance request. Ms. Phelan asked why the Applicant did not sign the application or provide written consent. Mr. Mylin testified that the Applicant is in the middle of moving from Pittsburgh to California and was not able to sign the document or attend the hearing. A consent could be obtained and submitted to the Township office.

Mr. McManus asked if they had considered using pervious material for the driveway. Mr. Taggart explained that Manor Township views pervious material as lot coverage, so this would not make a difference on the application.

The Board permitted persons in attendance to ask questions of the witnesses. Andy Palmisano, 544 Shultz Road, was sworn in. Mr. Palmisano pointed out that on the site plan that his and the Rohrer property were mislabeled. Mr. Palmisano asked about another subdivision that is currently in progress on Shultz Road. He wanted to know if there are publications required when a subdivision takes place. Mr. Taggart confirmed that this is not required by law and it has been on Planning Commission and Board of Supervisor agendas. It would only have to come before the Zoning Hearing Board if there are Variances being requested.

Casey Frey, 608 Shultz Road, was sworn in. Mr. Frey had some questions regarding the height of the proposed home. Mr. Mylin stated that current plan has the home at a height of 25 ft. It cannot exceed 35 ft without requesting a Variance. Mr. Palmisano wanted to know what the exterior finishes of the home will be. Mr. Mylin testified that the home will include James Hardie siding, cedar siding and stone around the base. The garage doors will be positioned on the western side of the home. These are preliminary designs and could be changed in the future.

Mr. McManus asked how much land is currently being farmed. Until last year, there were approximately 15 acres being used for agriculture purposes. There were no further questions, so testimony of the Applicant was closed.

Terry Blue, 568 Shultz Road, was sworn in. Mr. Blue stated that he and his wife have lived on Shultz Road for 31 years. He loves the farmland that surrounds his property. Mr. Blue is bothered by the development that is taking place in his neighborhood. He doesn't understand why the driveway needs to be so wide. Large tractors and farm machinery can make the turn. Mr. Blue will welcome the new owners into the neighborhood and hopes that they keep the neighborhood the way it is.

Richard Helfrich, 577 Shultz Road, was sworn in. Mr. Helfrich provided the Board with facts regarding preserved farmland in Lancaster County. He explained the benefits that agriculture provides our community. Mr. Helfrich asked why the property can be developed. Mr. McManus explained that the Ordinance allows for single-family dwellings in the Agricultural zone. Mr. Singer explained that the new owner has the option of using a portion of his property for agricultural purposes.

John Roberts, 577 Shultz Road, stated that he does not want to see the area get developed. He is appreciative of the guidance and suggestions to attend other meetings.

Chairman Singer closed testimony. He stated that the Decision for this case will be rendered at the August 4, 2021 meeting. Mr. Singer commented that with no further business to discuss

the meeting will close. Dennis Funk made a motion to adjourn the meeting. Missy Phelan seconded and the meeting adjourned at 8:39 p.m.

Respectfully Submitted,

Missy Phelan
Secretary

Recording Secretary

Michelle Smith