

Planning Commission Meeting Minutes

Monday, January 9, 2023

7:00 p.m.

Vice-Chairman Pamela Shellenberger called the meeting to order on Monday, January 9, 2023 at 7:00 p.m. Mrs. Shellenberger led those in attendance in the Pledge of Allegiance to the Flag and introduced the Board.

Members Present: Jay Provanzo, Pamela Shellenberger, Keith Hoover, Mark Harman, James Henke, Don Mann

Members Absent: Martin Peak

Staff Present: Nate Taggart, Adrienne Kautz,

Visitors Present: See Attached Sign In Sheet

Appointments by the Manor Township Board of Supervisors – Keith Hoover has been appointed for the term January 3, 2023 to December 31, 2026.

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

Set Meeting Dates for 2023 – Vice-Chairman Shellenberger 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 10, 2023. Mark Harman so motioned, Keith Hoover seconded and the motion carried unanimously.

Approve the Meeting Minutes from December 12, 2022 – Vice-Chairman Pam Shellenberger entertained a motion to approve the revised December 12, 2022 Planning Commission minutes meeting as presented. James Henke so motioned, Keith Hoover seconded the motion carried unanimously.

New Business

22-010 – Final Subdivision Plan for 17 Second Street & 37 Charlestown Road – The applicant is proposing to consolidate two parcels and then subdivide them into seven lots for single family detached dwellings. The property is zoned Village.

The applicant is seeking new modifications to the following sections: 388-11 – Preliminary Plan Processing Procedures, Section 388-42.E.2 – Reconstruction of Existing Streets, Section 388-42.G.1.b – Dedication of Additional Right-of-Way and Cartway Width, and Sections 388-42.k1.a, 388-42.L.1 – Installation of Curbing and Sidewalks.

Joyce Gerhart, of RGS Associates, representing the applicant Steven Funk. This property is located at the intersection of 2nd Street and Charlestown Road. The proposal is to re-subdivide the two existing lots into seven single-family lots. They will be serviced by public sewer, on lot wells and individual infiltration pits on each lot for stormwater management.

Ms. Gerhart has no issues with the comments that were mentioned on the letter in Rettew's latest letter dated December 21, 2022.

James Henke made a recommendation that the Steven Funk-17 Second Street & 37 Charlestown Road Final Subdivision Plan be advanced from a Briefing Item to an Action Item. Mark Harman seconded and the motion carried unanimously.

James Henke made a recommendation that the modifications be recommended based on the Rettew letter dated December 29, 2022. As it relates to Section 388-11-Preliminary Plan Processing recommended approval based on the justification provided. Section 388-42.E.2-Reconstruction of Existing Streets recommending that it be deferred. Section 388.42.G.1.b -Dedication of Additional Right-of-Way and Cartway Width that they provide this on the plan.

The Township is denying the request for deferral of Additional Right-of-way along Charlestown Road. The Township is allowing the applicant to defer the Dedication of the Additional Right-of-Way along Second Street and recommend the Township allow the deferral of the Additional Cartway Width along Charlestown Road and Second Street.

James Henke made a recommendation that Section 388-42.K.1.a, 388-42.L.1 Installation of Curbing and Sidewalks be deferred for the installation of curbing and sidewalk based upon the justification provided. Mark Harman seconded and the motion carried unanimously.

James Henke made a recommendation that the Final Subdivision Plan for 17 Second Street & 37 Charlestown Road be recommended for approval based on the Rettew letters dated December 29, 2022. Mark Harman seconded and the motion carried unanimously.

Zoning Map Amendment for 289 Donerville Road (Tax ID 410-45613-0-0000) – An ordinance of the Township of Manor, Lancaster County, Pennsylvania, amending the Manor Township Code of Ordinances, Chapter 425, Zoning, by revising the official Zoning May to change the Zoning Classification of a tract of land from High Density Residential Flex (RH1) to Low Density Residential (RL).

Mr. Strohecker, the Township Manager, stated that at the Supervisors Meeting on Tuesday, January 2, 2023, the Supervisors presented to the public this proposed Zoning ordinance change and amendment to the Zoning map for 289 Donerville Road. At this time the authorized staff to forward this through to the Manor Township Planning Commission and the Lancaster County Planning Commission. They also set a date to have a formal public hearing at the Supervisors meeting scheduled for February 6, 2023 at 7:00pm. This particular amendment and zoning map change would change the zoning of 289 Donerville Road, which is currently High-Density Residential Flex to Low Density Residential. The Township Solicitor, Mr. Jason Hess, was in attendance for any legal clarification.

Mike Traxler, of Saxton & Stump, was present to represent the landowner of 289 Donerville Rd. He inquired if the Township has consulted with any planners in regard to the proposed zoning change.

Ms. Shellenberger stated that the Township did consult with the Planning Commission in December for their feedback on this matter.

Mr. Traxler inquired if there has been any consultation with the Lancaster County Planning Commission. Mr. Strohecker stated that there has not been any formal consultation, but the application has been submitted. Mr. Traxler asked if there has been discussion of rezoning any other properties in the Township. Mr. Strohecker stated that there has been such discussion. When the discussion occurred, there were other parcels that were brought up. Mr. Traxler asked if the others are up for discussion.

Mr. Strohecker stated that the Supervisors have not requested that the other properties be advanced through the process to rezone. Mr. Traxler asked if the discussions about other properties involved rezoning those to High Density Residential or High-Density Residential Flex. Mr. Strohecker commented that yes they were. Mr. Traxler asked if the Township is contemplating downzoning 289 Donerville Rd and then replacing with another property for High Density Residential. Mr. Strohecker stated that the Township has had public meetings with the Supervisors and a workshop where several properties were discussed. Part of that discussion was regarding where High Density be most appropriate.

Guy Eshleman Sr's children, Yvonne Krouse (332 Owl Bridge Road), Guy Eshleman Jr. and Susan Wenger were all in attendance to represent the Eshleman family farm. Guy Eshleman Sr lived his entire adult life at 289 Donerville Road. His father started farming around the turn of the 20th Century, Guy Sr farmed the farm since the 1950s. Guy Sr passed away in the middle of the 2022 and they were not aware about this rezoning of the property. This proposal was initiated by the Township Supervisors not by the family. Mrs. Krouse feels as though the family farm is being targeted. The family understood that this farm was in an area close to transportation and close to where it was being developed. This is not the first time that the Township Supervisors have targeted this farm. In 2005, the Township Planning Commission and Supervisors decided to up zone the property from Medium Density Flex to High Density Flex. In August 2005, the family brought in a plan, and the Planning Commission looked at it, and Mrs. Krouse quoted "if the farm was going to be developed it would be good to develop it at a Higher Density". The Planning Commission told the family to go come back with a plan that was denser. The Supervisors all agreed that it was the perfect location for a Higher Density.

Mrs. Krouse stated that in 2005 the Supervisors stated that they were rezoning their property in order to be good stewards of properties that were already identified for development. The property was located within the Urban Growth boundary because it was close to roads and utilities. Also, it is a natural extension of Woods Edge development. For the past 17 years the Supervisors had the opportunity to look at our farm and determine what was the best for the Manor Township Community as a whole and for the long-term growth. Mrs. Krouse asked what has changed. A hundred-million-dollar school was built to support growth in a school district, Bill Murry's High Density Residential Flex Sutherland was just completed in the past years, Centerville Road is being widened to accommodate more traffic.

Mrs. Krouse was told that this rezoning was needed as a transition between High Density housing and Ag land. She feels that this is being rushed through, outside of normal procedures. It was just Tuesday night not even a week ago that the Supervisors decided to send this to the Planning Commission and the Lancaster County Planning Commission and post the notice for February 6, 2023. The Lancaster County Planning Commission will not address this issue until February. The Planning Commission has 45 days to make a decision. Mrs. Krouse believes that a change this consequential deserves some deliberation.

Mr. Strohecker commented that on behalf of the Township and Supervisors he understands the frustration of going through the rezoning process. Mr. Strohecker also understands the frustration the family is going through with the lack of notification. There are laws that are put in place by the MPC and our ordinances to make this is a transparent process. The community and landowners are able to make comments not only to the Planning Commission but also to the Board of Supervisors. The Board of Supervisors are not in a rush to make a decision. The Public Hearing is set for February 6, 2023, but this does not mean that a decision needs to be made that night. This is a process that we have to go through.

Joan Matterness, of 213 Sutherland Road, is part of the Board at Woods Edge development. When Woods Edge was built it was zoned Low Density. Once the single-family homes were built, the developer still had more land to use so he approached the Township and had the development rezoned for Medium Density which allowed the developer to put up townhouses. Then he went out a bit further and rezoned it for Medium Density to High Density. These changes that occurred have changed the dynamics of the area. Ms. Matterness knew Guy Eshleman because he came to her voting district, and she knew he was very proud of his farm. Ms. Matterness stated she was confused as to why it was zoned High Density Flex. When she had heard about it being changed, Ms. Matterness said it made sense. Ms. Matterness understands the concerns from the family, but the Township also has to be concerned about the impacts it will have on the entire community.

Mary Glazier, of 269 Chestnut Grove Road, stated that the recommendation of this farm to be zoned as High-Density Flex came about through recognition that it was located in the Urban Growth Area. There were services there that would permit a development and from a planning perspective to balance the desire to preserve agricultural land for farming, open spaces for recreation, while still meeting the needs of the community as a whole for housing of all different types. The Planning Commission at that time made the recommendation for High Density to have the greatest flexibility. Ms. Glazier still believes that it was the right decision. Ms. Glazier hopes that the Planning Commission recommends against this action.

Mr. Strohecker stated that he appreciated Ms. Glazier's comments because the Township has been trying to piece together how that it came about in 2005. One of the primary factors that has changed in 17 years is traffic. Traffic has gotten increasingly worse. South Centerville Road and Rohrerstown Road have been named the worst roads in Lancaster County. The Township's concern is that under High Density Flex, in a worst case, you could take 92 acres and develop 45-3 story family apartments on that property. Where is that traffic going to go. The Supervisors recognize that this property is located within the Urban Growth Boundary and are not against development. The Supervisors have never once said it should go back to Ag or it should not be developed. The remaining question will be is it best to be zoned at High Density or Low Density.

Leah Bacon, of 194 Springdale Lane, commented that this High-Density Flex zoning makes sense where it is. Ms. Bacon does question whether the Board of Supervisors wants housing for the Middle to Low Income residents. Our communities are never going to be made up of higher income residents. Ms. Bacon is disturbed that the Eshleman family were not directly notified about this proposed change. The idea that this happened without notifying the property owner, indicates that this could happen to any resident within the Township.

Patty Beaumont, of 145 Carol Drive, commented that she was present at the Supervisors Meeting. Ms. Beaumont understood that there would be work sessions regarding this rezoning.

Mr. Provanzo stated if there are any work sessions regarding this, it will be posted.

Andrew Gingerich, of 289 Donerville Road, he appreciates our attention on this matter. Mr. Gingerich stated that High Density Flex makes the most sense for this property. Regarding the housing situation, Mr. Gingerich voiced his opinion on what can we do to finding housing that is decent and affordable. The need for housing that is affordable is a need that is not going away anytime soon. Mr. Gingerich appreciates the farmland that is in Manor Township, but it also means that the ability to build a development makes it challenging.

Jim Stauffer, of 365 Weaver Road, stated that his 82 acres of farmland is next to 289 Donerville Road. Mr. Stauffer was surprised when he learned that in 2005 it was zoned High Density. Mr. Stauffer also heard that there was a possible rezoning of the Armstrong property. The Township talks about affordable housing. Lancaster City has affordable housing, but nobody wants to live in the City. Mr. Stauffer stated he would love that farm to be zoned back to Agricultural so he can farm it. Mr. Stauffer would like transparency from the Township. Mr. Stauffer also stated that the more people we put in a square foot, the more our cost per taxpayer dollars increase.

Mr. Strohecker stated that when we look at tracts of land, he really likes 55+ communities, because they are the least burden on the Township. Mr. Strohecker did want to point out a comment that Mr. Stauffer made that these decisions were made behind closed doors. Mr. Strohecker stated that there were not decisions made behind closed doors, in fact when these items were discussed they were all discussed publicly at advertised meetings.

Mr. Provanzo stated that we do have a timeline that the Township needs to follow.

Mr. Traxler appreciated the comments that have been given this evening on this particular property. Mr. Traxler stated that the Eshleman family has been in communication with the Township for months about developing this property. At no point during this process did the Township say you that we are considering rezoning this property.

Mr. Strohecker asked if Mr. Traxler could explain how the Eshleman family has been in touch with the Township about development of this property. Mr. Traxler stated that they have been in touch with Township staff having communications about this property. Mr. Strohecker asked which Eshleman, and Mrs. Krouse spoke and said our Attorneys. Mr. Strohecker commented that he is not aware of any of their Attorneys having communications with the Township about this property on behalf of the Eshleman Family. During this process did you ever inform the Eshlemans attorney or the Eshleman's that this was being considered. Mr. Strohecker commented that this wasn't being considered at that time.

Mr. Traxler stated that we have learned that other properties are being considered to be rezoned potentially up zone to High Density. Any of these properties will have problems with traffic. This is an issue with any residential development. The Township is asking the Planning Commission to make a decision on one High Density property that has been zoned High Density for over 15 years and already has the infrastructure in place to allow for High Density development. The Township wants the Planning Commission to make a decision before you make any decision about whether there are any other properties that might be more suitable. Mr. Traxler commented that this property is being targeted for spot zoning. Mr. Traxler commented that the law is pretty clear what Spot Zoning is. Mr. Traxler stated that the family has a vested interest in wanting the land to be developed responsibly.

Jason Hess, the solicitor for the Township, stated that there is a process of having discussions about changes to zoning ordinances. The family members and public are here to provide their input. This is how changes happen and everyone gives their opinion as they should. With regards to the Supervisors not giving the notice that they should have given for the discussions that need to be had, this meeting is what that is for. The Township is going through the process right now, the Planning Commission can make a recommendation tonight, but they have the choice not to. At the Supervisor Meeting on February 6, 2023, they won't be able to make a decision, they have to wait at least 45 days from the

date the proposed Zoning Amendment goes to the Planning Commission and the Lancaster County Planning Commission.

Mr. Harman asked what is the Township's position on Spot Zoning.

Mr. Hess commented that Spot Zoning is a legal argument that one property is being treated completely unfairly. Based on the surrounding properties, it is a completely unreasonable approach or without any sort of basis for a property to be zoned a specific way. Mr. Hess commented that his property is being changed from one residential development class to another. If you look at the surrounding area, it is Zoned Agricultural and there are other properties that border that are zoned High Density Residential. There is nothing to suggest that a property that is bordered by several different zoning classes would be Spot Zoning.

Mr. Mann asked when would we hear from the Lancaster County Planning Commission with their recommendation.

Mr. Strohecker stated that the Township might not receive their recommendation until the beginning of February.

Mr. Taggart commented that it's been sent to them, and they have acknowledged receipt of it, but have not sent us notification of which meeting agenda it will be on.

Mrs. Shellenberger stated that she is seeing two sides of the point, no matter what it is zoned, you will still be talking about affordable housing. There is no guarantee on that nor is it something we can regulate. A developer could put affordable housing under single family zoning if that's how someone wants to develop it. The Township comprehensive plan shows that it is residential. The County's push is to get the highest density in the Urban Growth Areas so they appeal to the need for higher densities in the growth boundary.

Mr. Strohecker commented that our biggest concern is that the County has been pushing for High Density. When you look at that Zone being High Density Flex, you could put 45, 3 story apartments on that property very easily. That will have a massive impact on this Township.

Mr. Traxler stated that in the audience we have a family not a developer with a vested interest making sure this doesn't happen. Mrs. Krouse stated that we have spent decades as a family discussing how much this community means to us. We want this land to be a blessing to the community with housing.

Mr. Strohecker commented that he appreciates Mrs. Krouse stating this because a concern we have is when a developer purchases property and the family is out of the mix we are now dealing with an entity that is either local or not local.

Mr. Provanzo stated from their perspective, they can certainly see both sides. The Planning Commission is listening to the public and their comments. It is not a decision that is to be taken lightly. Mr. Provanzo also commented that he is not prepared at this moment to make a decision.

Mr. Mann stated that he is in the same position as Mr. Provanzo at this time he is not prepared to make a decision on this matter. Mr. Mann would like to wait to see what the Lancaster County Planning Commission recommends.

Mrs. Shellenberger also agreed with the rest of the group that she would like more time to process this before making a decision.

Mr. Hoover also agreed with the group. Mr. Hoover asked if there are any work sessions scheduled at this time from the Townships perspective.

Mr. Strohecker commented that in the last two years there has been a lot of discussion about the future of Manor Township. The primary functions of our Supervisors is Public Safety and Zoning. The Board of Supervisors take this very seriously and understand that. The City built their Water Tower on 999 and that has now opened the flood gates for all the development that has stopped in Manor Township in the last 5-10 years. This has become a serious concern that developers are specifically looking at our Township to move into. The Township needs to take a second look to know if we have the proper zoning for how we want to see this Township progress into the future.

Mr. Hoover is a farmer and does not have the professional expertise in many of these areas. But he would be interested in general as to how it will look as the Township as a whole.

Mr. Henke also agreed that he would appreciate more time on this matter. He was on the Board with Mary Glazier when this tract was discussed and supported the Higher Density. Some of the comments tonight from the younger generation about affordable homes was understandable. Keeping it as High Density affords the opportunity to keep a farm in Ag land for a longer period of time. At this point Mr. Henke thinks a little bit more time would be good to talk it over to be able to make a good recommendation.

Mr. Harman stated that traffic is another issue. Centerville Road is going to be opening up for better flow of traffic. Traffic plays a significant role in this discussion depending on how it is zoned. Mr. Harman also agreed about allotting more time to discuss it would be beneficial.

Mrs. Shellenberger stated that Ag land is not a holding area, it should be looked at as a development area. A big part of your development plan is how to protect those Agricultural areas. Mrs. Shellenberger stated that you can preserve farms around your growth boundary to solidify that it can't extend over because it is all preserved land. The Township has some big parcels within the Urban Growth Area.

Mr. Provanzo commented to the Eshleman Family that the Planning Commission did hear you. The Planning Commission is going to take time to look it over. The pace that this moves is out of the Planning Commission and Township's control.

A resident asked has a sketch plan been submitted to the Planning Commission for a development for the Eshleman tract? Mr. Provanzo stated there has not been anything submitted.

Chairman Provanzo entertained a motion to table the proposed rezoning until the next meeting. Pam Shellenberger made a motion to table it until the February meeting. Keith Hoover seconded and the motion carried unanimously.

Public Comment

Jim Stauffer, of 365 Weaver Road, asked for consideration from the Township to please put some shrubby landscaping setbacks for Agricultural use. Mr. Murry replanted trees to accommodate the Agricultural setbacks. Mr. Stauffer is asking that the Township looks at the property beside him and consider having setbacks for landscaping by use not by zoning.

Adjourn

With no further business to discuss Mr. Provanzo motioned to adjourn the meeting. The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Don Mann
Secretary

Recording Secretary
Adrienne Kautz