

## Manor Township Supervisors Special Meeting

Thursday, February 23, 2023

7:00 p.m.

Chairman Brandon Clark called the meeting to order in the Penn Manor Middle School, 2950 Charlestown Road, Lancaster, Pennsylvania on Monday, February 6, 2023 at 7:00 p.m. Vice-Chair Allan Herr introduced the Board of Supervisors and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: Brandon Clark, Allan Herr, Missy Phelan, George Mann, John Wenzel

Staff Present: Ryan Strohecker, Nate Taggart, Adrienne Kautz

Visitors Present: See Attached Sign-In Sheet

### Public Hearing Rezoning Ordinance-289 Donerville Road

Supervisor Clark opened the meeting saying “Good evening and thank you for coming to special public hearing on the proposed amendment to the Manor Township Zoning Map to rezoning the property at 289 Donerville Road from High Density Residential Flex (RH1) to Low Density Residential (LH). The purpose of this public hearing is to obtain public comment prior to the Board of Supervisors taking action. We, as a Board, are here to listen, and we value the involvement of those attending so please direct all comments to the Board of Supervisors. As a reminder of our meeting participation policies, everyone who has any interest in this matter will have an opportunity to speak. Members of the public will be limited to three (3) minutes of speaking time. Speakers should avoid repeating points that have previously been made. All audience members should exercise common courtesy and respect to those speaking by not being disruptive during or after their comments”.

At this time, please be sure to mute the sounds of your mobile devices.

Jason Hess, the Township Solicitor stated that this is a continuation of the Public Hearing that commenced on February 6, 2023, at this meeting there was a date and time announced of when the conclusion of the Public Hearing would be. It is in the Ordinance of the Township of Manor Lancaster County Pennsylvania, Manor Township Code of Ordinances, Chapter 425 Zoning, I am advising the Official Zoning Map to be change the zoning classification of Tract from High Density Resident Flex (RH1) to Low Density Residential (R). The primary involved is Lancaster County Tax Accountant number 410-45613-0-0000 is the property address of 289 Donerville Road. This is being recorded at Dbook 5133, this attends approximately 92.3 acres. The Planning Code requires that prior to Amendment to a Zoning Ordinance the municipality shall hold a public hearing and the purpose of this Public Hearing is for the Board of Supervisors to obtain Public Comments on the proposed Amendment. However, this is not an actual Zoning Hearing Board hearing which is an evidentiary hearing, there is no cross examination of witnesses. After everyone has had their chance to speak the Public Hearing will be closed. The Board of Supervisors may vote on the proposed Ordinance. Mr. Hess stated there are certain requirements under the Sunshine Act municipalities. Their counsel will make comments before proceeding to public comment.

Mr. Hess stated that he wanted to confirm with Mr. Taggart that certain items of notice have been met. There was an agenda placed on the Townships website, in accordance with Section 709 C1 of the Sunshine Act. Mr. Taggart stated that is correct. Mr. Hess asked was it also posted at the Township building; Mr. Taggart stated yes that is correct. Mr. Hess also asked if a notice of the Public Hearing in Summary of the Ordinance advertised on January 23<sup>rd</sup> and January 30<sup>th</sup> of this year in the LNP. Mr. Taggart stated that is correct. Mr. Hess did we receive a publication from the Lancaster newspaper. As part of that record Mr. Hess has a copy of that publication in the Lancaster newspaper and a full text amendment of the proposed Ordinance placing in the newspaper. For the record, we have a copy of the full text amendment to the Lancaster Library on January 4, 2023 in compliance with Section 610 82 of the NPC. Section 729 81 of the Lancaster Municipal Code requires that the property to be zoned be posted. Mr. Hess asked Mr. Taggart was the property properly posted in accordance with that Section. Mr. Hess also asked Mr. Taggart if he took pictures of the location of where the property was posted. Mr. Taggart responded by saying correct. Mr. Hess also asked if Mr. Taggart has a map indicating that it was posted. Mr. Taggart responded with that is correct. Mr. Hess also stated that there was a letter sent to the Lancaster County Planning Commission dated January 4, 2023 in an email. Also, a letter to the Lancaster County Inter-Municipal Committee. There was a copy sent to the Manor Township Planning Commission dated January 4, 2023. The Township also provided a copy of the proposed Ordinance available to members of the Public if they came in to inspect the Ordinance. Mr. Taggart commented with yes it was provided. Mr. Hess asked were their copies of the Notice Letters that were sent to the landowners to both addresses that are listed on the county website for the property owner being Guy R. Eshleman Trustee of the Jane E. Eshleman. There were additional letters sent to the property owner dated January 16, 2023 just notifying them in the change of address of this Public Hearing.

Since the first hearing the Township received a memorandum of review letter from the Lancaster County Planning Commission, which is dated February 17, 2023. Also, a letter from the Manor Township Planning Commission, which was signed by Nate Taggart, the Zoning Officer. The Manor Township Planning Commission is not recommending approval of the proposed zoning amendment. The Township has not received the original posting from the Lancaster Newspaper and until that arrives the notice that was printed online will be placed in the file. The notice for the Public Hearing was posted on the website.

Eric Hume, with the law firm of Saxton & Stump, is here on behalf of the property owner the Eshelman Trust. Mr. Hume wants to focus on planning principles. The Zoning process has to start at planning. There are some things that need to be considered when looking at planning. The first is comprehensive plans, there are two comprehensive plans that are in effect in this area. There is a county comprehensive plan, and the second is there is a Township comprehensive plan. Both plans are remarkably constant in many ways. The first is that they both want to help save farmland in Lancaster County and Manor Township. The way to do this is concentrate growth where it belongs, in the Urban Growth Area. Both comprehensive plans state that you need to keep a variety of housing types. There can't just be single family homes. It also says that developments in zoning should have compact development options. If the

Township keeps going Low Density by 2030, there will be less than 800 acres of developable land in the entire LIMC area. The County comprehensive plans even recommends that in the Urban Growth you should be striving for nine units per acre of density. If the Township goes to Low Density we won't be anywhere near that. As part of this process the role of Planning Commissions is to follow a procedure, they are required by law to review and provide comments. The Planning Commissions are important, Mr. Strohecker commented that they look to their Planning Commission because they are our planners. The two Planning Commission meetings that happened prior to tonight meeting, the first was the County Planning Commission meeting. The County did a complete review of the proposed Ordinance, Mr. Hess indicated that the Township received a Memo from them. The Township is reducing density in the wrong area. The Township should be providing multiple housing types, not limiting housing types. It indicated that Manor Township has only a little bit over 1,800 acres of developable land left available in the Urban Growth area, but of those 1,800 acres only 110 permit single family homes. Of the 110 acres, 92 acres is what we are referring to tonight. If the Township takes 92 acres we are left with 18 acres left of residential land. Most of the land that is left is zoned for Medium Density residential. The Lancaster County Planning Commission stated that this is a problem. Lancaster County continues to grow, the growth is not just from people outside. The Lancaster County Planning Commission voted unanimously against this proposal; they indicated that this land is really ideal suited for High Density development. Its located next to an existing High-Density development. It is close to major roads, and it has utilities available to it, they disagreed strongly on any other housing types. The Lancaster County Planning Commission also thought it might be better served if it looked at Zoning changes on a Township wide basis rather than targeting individual parcels.

Mr. Hume went on to say that our Planning Commission unanimously voted against this rezoning. They made several comments as to why. Most of the comments were based on it was a bad idea to remove multiple housing types from this property. There needs to be other types of housing in this Township. Others observed that this property has been primed for development for a long time. Its next to Woods Edge and Sutherland. The streets are stubbed and ready to be connected to it, utilities are there, this is a logical place to continue the extension of Woods Edge. One of the Planning Commission members was deeply concerned about the loss of farmland, if the Township continues down the road of only permitting Low Density development, there will be more pressure on farmland. At the County Planning Commission meeting, the Planning Director indicated that Low Density continues there will be more pressure the Urban Growth Areas. Mr. Hume does want that scenario to happen, they want to be able to preserve farmland the best way they can, the best way to do this is to focus development on the suitable properties.

Mr. Hume stated what will happen if the Township moves forward with this, first the Township will lose more farms. There is already a housing shortage. Another problem that will occur will be putting the Township at risk of an adverse action. This could be a "spot zone" and this puts the Township in a possible litigation. The other issue is the Township is required to provide their fair share of housing types. If the Township does not provide this it runs the risk of a court telling us what your zoning is. Finally, Mr. Hume stated that the Township needs to think

through and look at all the implications that are out there. Mr. Hume knows that the goal for the Township has a connector road that connects East/West. If this is a Low-Density area it will be a lot harder for someone to develop that property to include a collector road. At the end of the County Planning Commission meeting one of the members strongly encouraged the landowner and the Township to work together to find a way that could be way to develop this way that takes into consideration the family and also good for the community.

Mr. Hume reached out to the Township Solicitor and made the offer under the MPC when it comes to rezoning you can enter a mediation if there is a dispute between parties. Mr. Hume is open to going into mediation with the Township, they want to work with the Township on this matter. He also knows that there is concern for traffic and the schools. He stated that not every housing type has an effect on the schools, or on the roads that others do. Finally, Mr. Hume urges the Township to slow down on this process, to look at this holistically to follow the advice of the Planning Commissions and not to move forward with this rezoning.

Chairman Clark stated that this meeting is now open to the Public. If you have already spoken at the February 6, 2023 Supervisors meeting please first allow that were not there to speak. Initially questions for the Board may not be answered as it takes time away from the speaker.

Bill Antczak, of 610 White Chapel Road, was looking into some items relative to Woods Edge and the development of that property. Mr. Antczak came across some minutes from the January 3, 2023 Supervisors meeting that talks about the change from the Medium Density to the High Density Plan. During this meeting there was opposition from the family to make the change, Guy Eshleman stated that he was not in favor of the rezoning and hope the Supervisors would reconsider. There were additional comments by Mrs. Krouse that do not consider the landowner but simply the developer. The basis of the assumption to keep High Density in developments will save farmland, this is flawed. The High-Density stipulation will not save farmland. Mr. Antczak stated that we seem to be arguing the opposite today, substituting Low Density for Medium Density, it seems like we have a reverse argument today. He also found from meeting minutes found in May, there appears to have been a subdivision plan put forth called Stone Mill Estates by the Heritage Building group. They were going to put 209 single family homes and 11 townhouses, but there seem to be an issue with extending Stone Mill Road, because of its alignment with Donerville Road properties. The Stone Mill Road Estates were going to have to get some type of variance or something from the Agricultural committee that didn't seem very favorable because it was an infringement on the property that was already there.

James Baumgardner, of 100 Kilgannon Lane, he resides in Woods Edge development. Mr. Baumgardner asked if there was any consideration for a Cluster Development. This would be under the proposed zoning; they would be allowed to do 60 homes in that Cluster setting. A developer would use less space, less infrastructure for the municipality to maintain because of not many roads. The other advantage is there isn't any other affordable housing in this area. With single family homes on larger lots, that is not going to be affordable for anyone.

Joan Matterness, of 213 Sutherland Road, stated that the decision that the Board of Supervisors makes affects not just Woods Edge but the entire community. The property on Donerville Road that is zoned High Density Residential is going to cause more increase traffic on all of our roads, increase population, and increase taxes. Please also consider the Armstrong property to be developed in the near future. This property fronts some of the roads mentioned previously with high traffic and extreme density. Also consider the Walmart lot and the additional Murray lots on Centerville Road, occupancies to be determined will have an impact on these roads. Most of us in this room are asking the Board of Supervisors to make a sound decision.

Robert Beck, of 160 Kilgannon Lane, he likes looking out over the farm field from his front yard. Mr. Beck knows it will not stay this way; his opinion is to go with the Low Density.

Mary Glazier, of 269 Chestnut Grove Road, spoke as a former member of the Manor Township Planning Commission. Ms. Glazier stated that with regards to our legal system there is something to be said about stability and constancy. Some of the other issues that have been raised regarding traffic and schools are legitimate issues. The best way to approach them is to look at the Township as a whole and other land that is zoned for potential development including Armstrong tract and make decisions based on that. Ms. Glazier also mentioned about affordable housing, people are not able to afford single family houses.

Tracy Boderick, of 114 Hampden Drive, stated that she thinks that the Township needs to consider the best use of our County as a whole not just our own backyard. The Planning Commissions have worked hard to help the land be the way it is today.

D.R. Smith, of 125 Round Hill Lane, his property runs into the farm that is being questioned. When Mr. Smith bought his property he knew he would retire one day. He was assured by Murray and Mr. Carson the realtors that there would never be anything back behind there. If a resident travels into the development and sees bright lights etc, will his taxes go up. Mr. Smith stated that you have a lot of people that have put a lot of money into Woods Edge.

Sheryl Hollinger, of 135 Kilgannon Lane, asked how many people are prepared for the increase in taxes that will be required to build a new school. Mrs. Hollinger agrees that we need more starter homes in the community but how many of those people are going to be able to afford the taxes that will be imposed on them if improvements need to be made to our school district. The homes in Wood Edge will go down in value if this development goes in. Mrs. Hollinger is fully support rezoning the Eshleman property to Low Density.

Jim Stauffer, of 365 Weaver Road, is related to the Eshleman, Guy Eshleman was his Uncle. Mr. Stauffer's grandfather stated that we need to build houses out in the sticks and gullies and save the best farmland for food. It looks like we are going to houses whether it is High Density or Low Density. Mr. Stauffer would rather it be Low Density if he had a say in it, he would rather farm beside High Density.

Chairman Clark stated that the Public Hearing is now closed.

The Supervisors will go into an Executive Session with Legal Counseling discuss a legal matter regarding the proposed ordinance.

Chairman Clark stated at this time we will be turning this meeting over to our Township Manager, Ryan Strohecker.

Mr. Strohecker stated that going through process it's pretty obvious that the Township and family will be going to the court system. Our attorneys will be taking control of this issue after this meeting. Mr. Strohecker wanted to discuss some of the major arguments that come up through this process.

For argument number 1, it was stated by Attorney Traxler that the Board of Supervisors never received input from the Planning Commission prior to proposing the rezoning. Mr. Strohecker stated that the Board discussed this at the November 4, 2023 Supervisors meeting and then it was brought up as an agenda item at December Planning Commission meeting. This was prior to the January planning commission meeting when they began to analyze the proposal. This was essentially the first step in this process. That particular Planning Commission meeting that was held in December was attended by myself and two of Supervisors (Supervisor Herr and Supervisor Wenzel). The point of this meeting was to bring the planners together to talk about what was being discussed at the Board Supervisors meeting. So not only are all Board of Supervisors planners but the staff are planners as well. At the December Planning Commission meeting before anything was put together there was back and forth discussion.

For argument number 2, Attorney Traxler when discussing the role of the Supervisor stated that zoning is a critical role for the Board of Supervisors. He also discussed about the power and responsibility of the Supervisors to practice sound planning principles. The Township agrees with this statement, it is one of the primary responsibilities of the Board of Supervisors. The MPC states that one of the purposes of zoning is to prevent one or more of the following: overcrowding of land, light, danger, congestion, travel, and transportation.

For argument number 3, the Attorneys are arguing that there isn't any reason to have a buffer between High Density Flex 1 and between their property. If the Township looks at our Urban Growth boundary and you go South from Woods Edge, you are going to find a very similar buffer or transition between what is being zoned and Agricultural.

For argument number 4, that this is taking the remaining land from High Density housing that is available in Manor Township, which essentially the fair share argument. This argument states that the final remaining High-Density land will amount to 18 acres of High Density Residential. There are other zones that have the option for mixed housing.

For argument number 5, this has been really centered around the traffic concerns that the Township sees. Attorney Traxler stated that the traffic concerns will be addressed during the Planning phase of the development. The problem is once a plan has been given to the

Township we have very little say what happens with traffic. The developer has no obligation to fix off site issues. Mr. Strohecker spoke to our Public Works Director, Mark Harris where there was a question raised about what has changed in the last 17 years. Mr. Harris noted Donerville Road, South Centerville Road, Columbia Avenue, and Rohrerstown Road. Also, with the construction of Parkfield Development, Brunswick Farms, Hampden Drive, Faith Bible Fellowship Church, and hosting events at the Country Barn. This has all caused traffic concerns. Mr. Harris did a trip count and 5,493 trips with the morning peak hour of 394 and evening peak hour of 557. A traffic study was completed so in addition to the numbers Mr. Strohecker mentioned, 241 morning peak hour and 303 evening peak hours. This is a pretty considerate increase of traffic during those hours.

The numbers discussed at the LCPC were raw estimated numbers which aren't practical. They looked at 12 units per acre or 1,107 houses, with this rezoning it would drop it down to 323 homes. The numbers are more like 425 homes in High Density down to 175 homes. The reason LCPC doesn't account for any Stormwater or Open Space which is required by our Ordinance. The LCPC looks at items in a very simplistic way. Mr. Strohecker posed the question when a developer is complete, and the land gets handed over to the landowners who pays for the impact on our roads and intersections. Who will pay the bill when taxes have to be raised because of the traffic. When the Township is looking to upgrade a traffic signal because of the increase of traffic they are hundreds of thousands of dollars.

Mr. Strohecker stated that this is not an easy decision. The Township Planners are having to make a tough decision. They understand the full impact of the family and the understand of the properties and the community. The Supervisors are recognizing that this property should be developed, the question is how it should be developed. Should it look more like Parkfield or Woods Edge.

Mr. Wenzel stated that he appreciative of all the residents who came out to this Public Hearing. This is local government in action. Mr. Wenzel helped picked up potatoes on the farm. The family certainly has a financial interest in what is going on with this farm. As a Supervisor we do not have a financial interest, our job is to look at the character of Manor Township, for future use. Mr. Wenzel wants to look out his driveway, you see farmland, houses. The Township has to be aware of planning for the future. It is the Board of Supervisors to plan for growth. Mr. Wenzel looks at Low Density and the single-family homes being built is not near as dramatic as it is with High Density Flex.

Chairman Clark was not able to be present for the February 6 meeting but was able to view the recording in its entire. Between February 6 meeting and this meeting, he cannot in good conscious support High Density zoning of this property. The Board of Supervisors it is their responsibility to be good stewards of the land.

Chairman Clark entertained a motion to close the Public Hearing on the proposed Ordinance for the amendment of the zoning map. George Mann so motion, John Wenzel seconded the motion carried unanimously.

Supervisor Mann would like to make a motion to Adopt Ordinance 1-2023. John Wenzel seconded and the motion carried unanimously.

Chairman Clark entertained a motion to adjourn the meeting. Allan Herr so motion, George Man seconded the motion carried unanimously.

Respectfully Submitted,

J. Ryan Strohecker  
Secretary-Treasurer

Recording Secretary  
Adrienne Kautz