

Manor Township Zoning Hearing Board Minutes

Wednesday, May 24, 2023

Time: 7:00 p.m.

Chairman Bradley Singer called the Manor Township Zoning Hearing Board meeting to order in the Millersville Community UMC Hope Campus located at 242 Bender Road, Millersville, PA 17551 on May 24, 2023 at 7:00 p.m. Chairman Singer led those in attendance in the Pledge of Allegiance and introduced the Board.

Members Present: Bradley Singer, Jeff Klugh, Dennis Funk, and Scott Ream

Staff Present: Ryan Strohecker, Nate Taggart, and Peg Hess

Township Solicitor: Susan P. Peipher

Visitors: See attached Sign-In Sheet

Previous Month Minutes – Jeff Klugh made a motion to approve the May 3, 2023 meeting minutes as they have been submitted. Scott Ream seconded, and the motion carried unanimously.

New Business

Case #4-2023: Applicants: Guy R. Eshelman, Jr., M. Yvonne Crouse and Susan Wenger, Trustees of The Jane P. Eshelman 1996 Trust; EG Stoltzfus Land, LLC and Moyer Land Development Company, Inc; c/o EG Stoltzfus Land LLC, 474 Mt. Sidney Road, Lancaster, PA 17602. The applicant is requesting a Special Exception to sections 425-29(C)(3)(Cluster Development – RH1 Zone) and 425-46 (Cluster Development Vested Protection) to develop a +/- 91.25-acre parcel with 160 single-family detached homes, 118 duplex homes and 150 apartments in 7 buildings. The applicant is also seeking to protect the future development rights of the proposed development with additional vested protection for a period of up to 10 years. The property in question is located at 289 Donerville Rd, Lancaster, PA 17603, Tax ID 4104561300000. The request is being reviewed under the High-Density Residential Flex (RH1) Zoning regulations.

Solicitor Peipher explained the procedure that the Board will follow for the hearing. Nate Taggart confirmed to Solicitor Peipher that this hearing was properly advertised in accordance with the MPC and the Zoning Ordinances.

Attorney Jason Hess, Attorney Eric Hume, Craig Smith, Chris Schwab, Doug Parkins, Yvonne Crouse, and Ryan Strohecker were all sworn in.

Erik Hume, Attorney with Saxton & Stump representing the Trustees of the Jay P Eshelman Trust, EGStoltzfus Land, and Moyer Land Development Company spoke. The trust is the owner of the 92-acre parcel of property. EGStoltzfus and Moyer Land are equitable owners of a portion of the property.

This meeting tonight is for a special exception to allow a cluster development. A cluster development allows the developer to have smaller lots of increased density in exchange for

incorporating open space into the project. A cluster development in this zoning district also requires that there be a mix of housing types which there is just one. This project features mixed housing types, single family homes, duplexes, and apartments. This project does feature some common open space. A third of this property is dedicated to open space as defined under the Zoning Ordinance. This will allow a greenbelt around the properties and will help with Aquifer Recharge.

Exhibit Booklets were handed out to the Board and an unbound set of documents was given to the court reporter. Exhibits 1 – 15 of booklet were reviewed and admitted into evidence.

Craig Smith, Licensed Landscape Architect and Principal of RGS Associates was interviewed and accepted as an expert in Zoning and Land Development. Exhibits 1, 2, 3, 4, 5, and 6. All provisions of the Zoning Ordinance are met per Craig's expert opinion and satisfy all requirements for a cluster development under the Zoning Ordinance. The comprehensive plan of Manor Township was reviewed, and Craig believes this plan does comply with such a plan.

This project will be developed under a five-phase approach in construction. On the application dates for Phase 1 are shown as June 2023. It is not realistic for the first phase to happen in June due to the timing of the Township hearings. The current first phase submittal should happen in the fall of this year.

The Manor Township Planning Commission meeting held on April 10, 2023, did review and recommended approval of the special exception for a cluster development.

Survey work needs to be completed to finalize the Stone Mill connector road to Donerville Road. There are small slivers of property on a preserved farm believed to be within the proposed connector road as well as a portion on the Eshelman property. It is typically not possible for a private party to acquire a right-of-way from a preserved farm.

Attorney Jason Hess confirmed with Craig Smith that the 31% of open space calculation did not include roadways or any required setbacks. The walking trail will not be going around the entire development. The greenbelt requirement for a cluster development is to provide a green buffer separation along the edge of the development.

The collector road construction will not happen in the early stages of the development, as the acquisition of the neighboring properties still needs to be worked out. Connections within the development need to be made and the project must generate some income to allow for the construction of the collector road. The plan does include the construction of the collector road which was a requirement of the Planning Commission.

The lot coverage for each property will be equal to or less than the maximum lot coverage allowed per the Zoning Ordinance. Any reconfiguration of the Stormwater Management Facilities could alter the configuration of the development but will be redesigned to still meet all cluster development requirements.

Board Member Dennis Funk expressed concern about the needed rights-of-way to be attained regarding the collector road. Capacity letters were not obtained from LASA, Columbia Water, or

Lancaster City yet. This would be taken care of during the Land Development Phase. They are not aware of any capacity issues.

Clarification was made that all walking trails will be connected to sidewalks.

Second witness Chris Schwab, Senior Associate at Transportation Resource Group was interviewed and accepted as an expert in traffic engineering. He made testimony on Applicants Exhibit 7, 8, and 9. The original development plan used for this analysis was drawn in 2022 and had 467 units. An analysis was done to calculate the difference to 428 units now being proposed. Several intersections were used to conduct traffic studies to evaluate traffic pre-development and post-development. All intersections maintained the same service levels whether the proposed development happened or not. There will not be a detriment to level of service with this proposed development. The original development plan did not show a collector road. The road connections were connecting to St. George Road and Stone Mill Road. The collector road to Donerville Road is not necessary per the traffic analysis.

Chairman Singer inquired about the ADWT calculations showing 428 total new residential units with a total of 3,441 average daily weekday trips. The current average daily trips per day on Donerville Road is 5,400 per PennDot calculations.

Attorney Hume clarified that the 3,441 ADWT calculations from the new development were showing going in multiple directions, not just one road. This is a typical residential development and not creating any additional traffic compared to other residential developments.

Third witness Doug Parkins, Director of Land Development and Acquisition for EG Stoltzfus Homes was presented by Council. EG Stoltzfus is under the agreement to purchase a large portion of this property as well as the corner property at the intersection. The apartments will be retained by the Trustees of the Jane P. Eshelman 1996 Trust. The main entrance off Donerville Road has duplexes along the main road with an alley condition. No garage doors or driveways will be visible. Landscape treatments will be along the roadway which draws into a round-a-bout. This is a traffic calming device.

An essential green area is at the end of this main road. The single-family homes have front yards facing the green area with driveways and garages in the rear. The single-family homes and duplexes are in different areas of development which creates a transition from the Woods Edge perimeter property being consistent with the Woods Edge development. The higher density properties are out towards the Donerville Road. The location of the apartments is along the Industrial Zoned property. The single-family homes that back up to the Woods Edge Development will have the greenbelt buffer area in the rear to not have backyard to backyard.

All the streets will be dedicated with sidewalks connecting to the walking trails. Mailbox clusters will be in the open space areas along with a possible pavilion and dog bag receptacles. All of this open space will be managed and maintained by the HOA. The Development will pay the Fee and Lieu in accordance with the Township Subdivision Ordinance for dedicated park space.

Applicant Exhibit 10, 11, 12, and 13 were explained. Please note table of contents, exhibit 10 is single family homes and is actually Exhibit 11. Exhibit 10 is the duplexes plans.

The HOA will be supplying the snow and mow for the duplexes as well as the common area and alleys. The HOA will own the alleys.

There is approximately 98% of current ownership of land to create collector road. There are farms in this collector road area which are preserved farms. The developer is willing to cooperate with the Township if they were able to access this preserved farmland. If the end of the project is nearing and this has not been attained, EG Stoltzfus is willing to provide a bond for the construction of the balance of the road due to the right-of-way limitations.

Attorney Hess inquired if the developer would provide a bond to the Township if the collector road can not be complete due to lack of preserved farmland acquisition. The Developer agreed.

Solicitor Peipher inquired how the Township would acquire the right-of-way acquisition. Attorney Hume understands eminent domain would have to occur. Further discussion occurred regarding the right-of-way and collector road possible costs.

Fourth witness Yvonne Crouse, Trustee of The Jane P. Eshelman 1996 Trust was sworn in. The Trust has entered into an agreement with EG Stoltzfus and Moyer Land concerning a portion of this property. They have been fully involved in the development of this project. The Trust is retaining the apartment portion of this project. Exhibits 14 & 15 were discussed. These apartments will be market rate apartments, not section 8. These apartments would be covered under the HOA agreement.

The Exhibits were admitted into evidence.

Attorney Hess called witness James Ryan Strohecker, Manor Township Manager to testify. Mr. Strohecker has been manager since 2015. Mr. Strohecker acknowledged the Townships desire to have a collector road to Donerville Road. The Township's interest is in making sure that as open spaces get developed, Stone Mill Road has connectivity from the start of Columbia Avenue and eventually in the future it will go to Donerville Road. If the Township must go through eminent domain proceedings to acquire that portion of property needed, the Township will require the developer to pay for cost for the eminent domain including legal costs. The planning commission had four conditions needed to comply for approval and Mr. Strohecker is requesting that the zoning hearing board require the same conditions.

The Township Manager wanted clarification open space in regard to the fee in lieu of. The fee in lieu of is to meant to be calculated based on the entire development and not to be reduced by the amount of open space or stormwater basins.

The Township has two concerns; a full traffic study needs to occur because a quick calculation shows an increase in traffic of 30% at Columbia Avenue and Donerville Road.

Township Exhibit 4: recommendation and conditions of the Planning Commission was presented and admitted into evidence.

Attorney Hume inquired with the Township Manager follow up questions regarding the recommendations of the Planning Commission and acquiring the land to create the collector road.

Solicitor Peipher inquired further clarification of easements needed and approval process.

Testimony was closed. Ten-minute recess occurred.

Meeting reconvened for public comment.

Steve Cassel, 109 St Georges Drive, opposes the size and placement of this development. St Georges should stay a cul-de-sac. As Stone Mill Road gets lengthened it should have a traffic circle installed to slow traffic.

Wendy Becker Davis, 245 Kilgannon Lane, is concerned whether Stone Mill Road will be improved and how to control it from becoming a mini highway.

Ed Wiegand, 67 Donerville Road, is against the development. Breda Drive and Donerville Road is a dangerous intersection.

Regis Kirchner, 102 St Georges Drive, is concerned about the bottle neck that will happen on St Georges Drive when connected to Stone Mill Road as it is not wide enough for parking on both sides and two-way traffic like Stone Mill is. The main entry into the development should be at the apartment buildings to have traffic exit quickly. A left-hand turn lane should be created on Donerville Road to keep traffic moving. He encourages the stormwater management plan to have basins graded toward Donerville Road.

Jennifer Cassel, 109 St Georges Drive, commented on the validity of the traffic study that was done in January 2022, which was during the COVID shutdown and traffic has become much heavier since.

Joan Matterness, 213 Sutherland Road, the property borders Stone Mill Road, which has lots of fast traffic. She is also concerned about water runoff.

Jim Stauffer, 365 Weaver Road, inquired if the road in the development could connect to Weaver Road. He inquired into the idea of any future stub road considerations to other adjoining properties. Would they consider using agriculture setback along his property.

Attorney Hume offered a summation of the application. Attorney Hume believes they have offered testimony satisfying all the requirements for the special exception.

Attorney Hess commented that the needed easements will still need to be obtained. The Stone Mill Road connection to Donerville Road has always been a condition for this development and requests that the completion of this connection be part of the final land planning submission. Any cost incurred if eminent domain is required to purchase property including court and legal costs be reimbursed by the applicant/developer as part of the condition for approval of this development.

Dennis Funk made a motion to close the testimony. Jeff Klugh seconded. The vote was unanimous, testimony was closed.

The next meeting will be held June 7, 2023, at 7:00 pm at the Manor Township Municipal Office at 950 West Fairway Avenue, Lancaster.

Chairman Singer commented that there was no further business to discuss. Dennis Funk made a motion to adjourn the meeting. Jeff Klugh seconded, and the meeting adjourned at 10:20 pm.

Respectfully Submitted,

Jeffrey Klugh
Secretary

Recording Secretary
Peg Hess