

Manor Township Zoning Hearing Board Minutes

Wednesday, April 3, 2024

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 April 3, 2024 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, Jeffery Klugh and Scott Ream

Staff Present: Nate Taggart and Peg Hess

Township Solicitor: Susan P Peipher

Visitors: See attached Sign-In Sheet

Previous Month Minutes – Dennis Funk made a motion to approve the March 6, 2023 meeting minutes as they have been submitted. Jeff Klugh seconded, and the motion carried unanimously.

1. Appointment of the Zoning Hearing Board Solicitor for the remainder of 2024.

2024 Solicitor appointed on 2/7/24: Blakinger Thomas, PC – Susan P. Peipher

New Recommended Solicitor: Appel, Yost & Zee, LLP – Susan P. Peipher

Dennis Funk made a motion to accept the new Solicitor as recommended, Jeff Klugh seconded, and the motion carried unanimously.

New Business

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

A) Case #2-2024: Wayne Pagan, 2521 Gamber Road, Washington Boro, PA 17582. The applicant is proposing to install an Accessory Dwelling Unit on the property located at 2521 Gamber Rd for occupancy by a family member. The applicant is requesting a Variance to section 425-73.D. (Utilities). The applicant is requesting to install new separate utilities for the proposed accessory dwelling unit that would not be physically connected to the principal dwelling's utilities on the same lot. The property in question is located at 2521 Gamber Road, Washington Boro, PA 17582, Tax ID 410-19864-0-0000 and is in the Agricultural (A) Zone. Kyra Pagan, wife of Wayne, was sworn in. Mrs. Pagan explained that the proposed accessory dwelling unit is for her mother to reside. The existing septic system is not adequate for the existing dwelling and will not accommodate a new dwelling. A letter from Slaymaker Electric and Supply company was presented as Exhibit 1, specifying that the existing system was not adequate for additional usage. Dennis Funk asked if Slaymaker Electric and Supply Company was certified. Mrs. Pagan was not aware if they were or not. There is also a ravine that runs through the property adding another element to overcome. Dennis Funk inquired what type of septic system was currently on the property, which is a drip irrigation system. Jeff Klugh inquired why the Pagan's wouldn't put in new unit and add run to new accessory dwelling. The owners were not looking at that option right now. Chairman Singer inquired what were the owners doing to the existing system since not working properly. They were not doing anything now, they just wanted to create a new system so they could build the accessory building to get mother-in-law moved in. Solicitor Peipher commented that this variance request was brought to

the Board previously and was denied. The only thing different this time was the letter from Slaymaker clarifying that the existing system is not adequate for increased usage. The meeting opened for public comment, there was none. Testimony was closed. Dennis Funk made a motion to deny the Variance Request, Jeff Klugh seconded, and the motion carried unanimously.

- B) Case #3-2024: James F. & Deborah L. Colgrove, 74 Pittsburg Hill Rd, Conestoga, PA 17516. The applicant is proposing to subdivide and transfer 3.44 acres from 3560 River Road to 74 Pittsburg Hill Rd. The resultant lot of 74 Pittsburg Hill Rd would become approximately 4.54 acres (non-conforming lot size) and 3560 River Rd would be 2.36 acres (continuation of existing non-conforming lot size). A Variance is being requested for the resultant lot size of 74 Pittsburg Hill Rd which will become non-conforming. The property in question is located at 74 Pittsburg Hill Rd, Conestoga, PA 17516, Tax ID 410-71502-0-0000 and is in the Agricultural (A) Zone. Jeffrey Bowlby of Trimble Surveyors and Ryan Noetzel of Barley Snyder were sworn in. Attorney Ryan Noetzel explained these two properties neighbor each other and each have a single dwelling home on. In the past both properties were owned in common with multiple generations living at. Currently, 3560 River Road is owned by Linda, Robert, and William Rodes. Linda has passed away. Linda was the mother of Deborah Colgrove. Deborah and James Colgrove own 74 Pittsburgh Hill Rd. The reason for this request now is that 3560 River Road will be up for sale in the future. This would be considered internal rearrangement of the lot lines. There is no use change, and no new structures are being added. This now makes 74 Pittsburg Hill Road a non-conforming lot by exceeding the 2-acre lot size for a maximum size of lot for a single-family lot in the Ag Zone. Jeff Bowlby, Trimble Surveyors, explained a lot add-on plan will be forthcoming after approval from Zoning Hearing. Solicitor Peipher requested clarification of lot sizes being discussed. 3560 River Road is currently 5.8 acres, selling the 3.44 acres will result in a new lot size of 2.36 acres. 74 Pittsburg Hill Road is currently 1.108 acres, purchasing the 3.44 acres will result in a lot size of 4.548 acres. No questions from the Board and no public comment. Dennis Funk made a motion to approve the Variance. Jeff Klugh seconded, and the motion carried unanimously.
- C) Case #4-2024: Central Manor Church, 387 Penn Street, Washington Boro, PA 17582. The applicant is requesting a Special Exception pursuant to Section 425-62.A(1)(b) of the Zoning Ordinance to authorize a church and related uses consisting of a combined maximum of 35,000 square feet of building area. The applicant is also requesting a Variance from Section 425-62.A(1)(b) of the Zoning Ordinance to authorize a church and related uses in excess of 20,000 square feet of building area without direct access to an arterial or collector road. The property in question is located at 242 Bender Road, Millersville, PA 17551, Tax ID 410-93319-0-0000 and is in the Low-Density Residential Flex (RL1) Zone. Todd Shopf and Dan Fisher of Pioneer Management and Attorney Peter Wertz of Mcnees, Wallace & Nurick LLC were sworn in. Exhibits 1, 2, and 3 were submitted by the Applicant. The property in question is the current home of Grace United Methodist Church – Hope Campus. Per Exhibit 2, the current owner plans to subdivide the property into 2 lots. The Applicant is under contract to purchase one of those lots which would be approximately 21.05 acres which is the lot of the existing church building and parking lot and access from Bender Road. The remaining 10.95 acre residual lot to the west is contemplated for future development by others. The Applicant is planning on relocating its church community to the 21 acre lot after some expansion and certain improvements. In addition to ancillary activities and expanding of the size of the church which is necessary for the integration of the existing CMC church community to the site. The existing church building has a footprint of 11,325 sf, with all floors, the area is 22,268 sf which is shown on Exhibit 3. The proposal is to increase the overall building area of the church and related uses to a total of 31,520 sf but the current rendition of the plan is conceptual only. The Applicant is

looking for approval for a total of 35,000 sf which allows room for final engineering plans. The Applicant is only an equitable purchaser of the property looking to gain certainties with respect to future use. The timeline for each expansion is not set in stone but being considered is 13,675 sf expansion on the west side and the 3,245 sf expansion on the right side upon acquisition of the property with the sanctuary expansion to the north of the building and the one-story addition, 1,525 sf at further times. Each expansion would be constructed pursuant to a Land Development Plan which could be one or more. It is understood that a Manor Township Zoning Permit does not expire until after a plan is recorded and failure to abide by the timelines of the Manor Township Zoning Ordinance. Per the Zoning Ordinance the use is a church and related uses, which is permitted by special exception in the (RL1) Zone with a building area of up to 70,000 sf provided that they are accessed from an arterial or a collector road and are serviced by public utilities. Bender Road, which is the access road is a local road, which is the Variance that comes into play. The Zoning Ordinance defines building area as a building footprint and the square footage used is tied to the church. The full buildout of the proposed church expansion would be about 44,000 sf but the building footprint is 31,520 sf and is the current proposal in terms of at-grade footprint of the proposed structures with the option to go up to 35,000 sf on final engineering. Speaker Todd Shopf, Registered Landscape Architect and Senior Project Manager has been at Pioneer Management for 18 years. Responsibilities are to manage all industrial, institutional, retail projects, performing site engineering, stormwater management, rough drafting and representations at meetings. He has testified at Municipal Boards and Zoning Proceedings at least 50 times. He was accepted as a professional witness. Exhibits 1, 2, and 3 were prepared by Pioneer Management. Exhibit 2 shows the subject tract is on the east side of Bender Road, which is approximately 32 acres and owned by Grace United Methodist Church. The building is just over 11,000 sf. Site improvements include 174 parking stalls. The tract is located approximately 1000 ft north of Letort Road. A partial subdivision of the tract is being proposed whereas Central Manor Church would retain approximately 21 acres. Utilities are provided by public water and sewer. There is an existing 12" water main that bisects the tract. Interior landscaping exists including landscaping islands and landscape screening along the perimeter of the property. Access would continue from Bender Road. The tract is surrounded 3 ways by (RL) zones, and the east is (Ag) Zone. Exhibit 3, site plan, the proposed church 11,325 sf with a usable lower level. There are five proposed expansions, the most western addition consists of 13,675 sf with a 2,000 sf basement. On the east side an expansion of approximately 3,245 sf addition to the rear. The church is looking to have a potential future addition of 1,525 sf. The sanctuary, one on the east side and one on the west side, combined is approximately 1,750 sf. Stormwater improvements will have to be completed in a Land Development Plan as well as getting the NPDES permit and erosion and sediment control plan. The largest and first addition of 13,675 sf and 2,000 sf basement will principally be used for fellowship purposes creating a gymnasium, kitchen, restrooms, and storage. The sanctuary addition will come in the future which will be an extension of their house of worship aspect. A special exception is being requested to authorize a church and related uses with a building area in excess of 20,000 sf. A Variance is being requested to authorize a church and related uses with a building area of 20,000 sf without direct access to an arterial or collector street. Section 425-62(e)(1) of the Zoning Ordinance provides all church related recreational facilities shall be accessory to and be located upon the same parcel as a house of worship. Some of these uses will be for accessory recreational purposes among other things. These facilities will be located in the same parcel as the existing church. This site is served by a full range of utilities including public water and sewer. All proposed expansions are setback at least 50' from property lines and street rights-of-ways. The off-street parking currently provides 168 standard stalls as well as 6 ADA stalls, which is compliant with the Parking Ordinance. Full build-out of the proposed site including sanctuary expansion and all floors that creates a 24,018 sf building which would equate to 120 spaces required. Maximum sanctuary seating would be 569 seats equating to 143 stalls. Per section 425-62(e)(3) parking spaces required will remain compliant after expansions. Currently the site plan shows a

building area of 31,520 sf is conceptual only. They would like to reserve the ability to increase to 35,000 sf of building area. The property has frontage of 1000' to Bender Road and Donerville Road is approximately .9 miles away. The applicant did not create the hardship to request the Variance Request. Traffic should not change on Bender Road with the expansion of the church. The property is not within a Flood Plain. The Applicants use complies with all other criteria. The proposed use will not impair the integrity of the Townships Comprehensive Plan. The proposed expansions will not impair the character of the existing neighborhood. The requested Variance is the minimum necessary to afford the Applicant relief. Mr. Shopf adopts the statements made in the narrative and the testimony as though they were his own.

Dennis Funk inquired how many seats will be afforded in the total build-out of 35,000 sf. Mr. Shopf stated 569. Any further expansions would require a new application.

Daniel Fisher, employed by Pioneer Engineering but is representing Central Manor Church. At CMC, Mr. Fisher is an attender, member of church council, serving on the campus expansion committee. The current property is at the corner of Route 999 and Blue Rock Road and has been there for 130 plus years. It would be 2 lineal miles to proposed site. The current building is getting difficult to access the facilities regarding the building and lot configuration. Expansion would be of excessive cost. Current congregates are approximately 390 in number. The western expansion is just under 14,000 sf and is mainly for a gymnasium and fellowship hall. The proposed facility does not have either of these. A kitchen would be created, storage and family restrooms. These expansions would accommodate the current congregation and its current activities. The traffic would remain as it is currently for a Sunday service. The eastern addition would be done immediately, creating staff offices and larger classrooms. No daycare facility would operate here. All the current programs would occur here in the new proposed facility. The sanctuary's addition would allow a growth in congregation size which are on both sides of the existing sanctuary. The 1520 sf addition would allow the stage to be pushed back and a storage area. Mr. Fisher believes the existing parking is adequate without providing any additional spaces. Their existing facility has less parking spaces. CMC is an equitable owner of 21.05 acre tract. Approvals have been given from both church boards. The Applicant is requesting approvals at once as a feasibility item to determine if the proposed purchase will take place. The outdoor space is important to the church. The use of the property is remaining the same as a church. Increased traffic will not occur. Mr. Fisher adopts the statements made in the narrative and the testimony as though they were his own.

A public comment was made by Patricia Beaumont, 145 Carol Drive, which is southwest of the site and wanted to know if water flow and traffic studies have been done. Solicitor Peipher clarified that these items will be addressed during the Land Development process. Ms. Beaumont wanted clarification of property owners. The two churches are not merging. Central Manor Church is purchasing the property from Grace United Methodist Church. Ms. Beaumont requested to be made a party and was objected by the Applicant. Dennis Funk made a motion to deny party status, and the motion carried unanimously. David Millisock, 102 Spring Meadow Drive, commented that the existing church is underutilized but is concerned about the increased traffic. Mr. Millisock also commented about overgrown bushes along Bender and Letort Roads. When the Bender Mill Development gets built there will be a significant increase in traffic. Mr. Millisock has no objections to this purchase.

Chairman Singer thanked the public for comments. Dennis Funk commented about the homes to the south that will be developed in the future. He wanted to ensure no connection would occur between the church and the proposed Bender Mill Development. There is no interest in such.

Closing statements by Peter Wertz reiterated that there are two requests made for this evening. The Special Exception is a use that is permitted unless there is a showing of adverse impact above and beyond what is normally associated with that use, and provided that the Applicant satisfies specific criteria. In this case, we are requesting a variance relating to the use of a local access road, Bender Road. Sufficient hardship was shown, noted as location to existing collector roads. Letort Road which is 1000 lf to the south and Donerville Road meets with Bender Road about .9 miles to the northeast of the site. The subject tract is abutting residential development to the south. The use of this property and the expansions are not going to create an influx of traffic. A comprehensive plan prospective and the Zoning Ordinance prospective, this development is going to utilize existing infrastructure and going to be infill. Traffic will be less compared to what is permitted on this property. This is predominantly accessory use, and the congregation will not be occupying all these spaces and traffic will not increase commensurate with it. This fits within the purpose of the (RL1) Zone which provides residential development with some limited non-commercial uses that are designed not to impact the neighborhood setting.

Chairman Singer requested a brief recess. Meeting resumed. Testimony Closed. Jeff Klugh made a motion to approve the Special Exception and Variance request to Section 425-62.A(1)(b) of the Zoning Ordinance with the condition that the sole access to this property remains as existing. Dennis Funk seconded, and the motion carried unanimously.

D) Case #5-2024: Lancaster County Solid Waste Management Authority (“LCSWMA”), 1299 Harrisburg Avenue, Lancaster, PA 17603. The applicant is requesting to amend Section IV, Paragraph 16(a) of the Manor Township Zoning Hearing Board Decision dated June 5, 1986 to allow a portion of the former PPL utility corridor property to be incorporated into the Creswell landfill. The property in question is a consolidated tract on the Southeast side of River Road between Indian Marker Road and Letort Road (2595 River Rd, Conestoga, PA 17516), Tax ID 410-40015-0-0000 and is in the Excavation (E) Zone. Attorney Mike Davis of Barley Snyder and Bob Zorbaugh CEO from LCSWMA were sworn in. Jason Hess, Township Council was also sworn in. Attorney Mike Davis presented background information that this proposal today is in regarding a Zoning Decision that was made in 1986. LCSWMA then known as The Lancaster Area Refuse Authority(LARA) secured a Special Exception from Manor Township Zoning Hearing Board to allow a landfill to operate on the site. The Board was requested to take Administrative Notice of the 1986 Zoning Hearing Board decision. In 1986, the parcel was Zoned RA (Rural Agricultural Residential Zone) which required a special exception. Paragraph 16a of Section 4 of the 1986 decision specifically states that LARA, its successors and assigns shall not expand the Cresswell Landfill beyond the tract known as the Frey Dairy Farm. Neither of these parcels are fully defined in the 1986 decision. The specific Zoning relief sought by LCSWMA is to Amend Paragraph 16a of the 1986 Zoning Decision to allow the placement of landfill materials on the former PPL utility corridor property which previously bisected the Cresswell Landfill. No other changes to the 1986 Decision are being requested. The request of this Amendment facilitates an infill development of the landfill. LCSWMA or LARA did not own the corridor property at the time of the 1986 Zoning Decision. Bob Zorbaugh, LCSWMA CEO, has been employed by LCSWMA for 34 years and is familiar with the operations. Applicant Exhibit 1 was presented which was a site plan of the Cresswell and Frey Farm Landfill. Mr. Zorbaugh explained the site plan that shows the landfill and the former PPL corridor in discussion. The total acreage is approximately 559 acres. The Amendment request does not refer to the entire former corridor, but a section crosshatched on Exhibit 1. LCSWMA purchased the former PPL corridor property in 2014 and is approximately 17 acres, 150’ in width. Exhibit 2 was presented and was a diagram showing the entire former PPL corridor that was purchased. A section crosshatched shows the section in discussion which is on the Cresswell site. In 2017, LCSWMA

combined both properties to create a single parcel. There is an approved lot-add plan and a corresponding consolidation deed. The corridor is now part of the overall property.

One of Mr. Zorbaugh's responsibilities is to look at future service needs of the Authority in relation to landfill capacity and the various options to provide that capacity. The current facility has an estimated 14 years of capacity left, which would take us to the year 2038. Under DEP's current regulations the timeframe for LCSWMA to submit an application to the DEP for approval of new landfill and/or additional landfill capacity at its existing facility would be 5 years or less capacity. LCSWMA would need to apply to the DEP in approximately 2033. If approved this would give another 45 years of capacity. Potential options for providing additional capacity are:

Cresswell reuse, a green field property in Lancaster County, or outsourcing our disposal needs by hauling outside of Lancaster County. They would like the Cresswell reuse as an option as they continue their due diligence in looking at all opportunities as described. A challenge in the Cresswell reuse would be the complicated engineering required. There is existing waste in place from the mid 1960's – 1989 landfill use. A significant amount of soil will be needed to construct berms to build the landfill and final cover needs. Continued truck traffic would continue in the neighborhood.

A green field site challenge would be geology testing that falls in line with all DEP criteria, distance to airports, access to roads and cover soil. Finding a host municipality as well as a willing owner of a large portion of land to purchase is a challenge. DEP has not approved a new green field(landfill) site in a natural grassland, woodland, or farmland site in recent years.

The Cresswell landfill could be reused without using the former corridor. There is a portion of land toward River Road that could create 18-20 years of landfill capacity. There is also a portion closer toward the river that could give an additional 10 year capacity. This would create a split landfill. Doing this split landfill would create significant engineering challenges, efficiency loss would occur during operations. This would not create as much capacity as the corridor option. The current Zoning for the 559 acres is Zoned (E) Excavation Zone. Landfills are permitted in this Zone per certain criteria in Section 425-105. This Zoning has been in place since 2016, which includes performance criteria. Because the Zoning in this area has changed during LCSWMA'S ownership of this parcel, LCSWMA has been in conversation with the Township about the applicability of the 1986 Zoning Decision. To be totally transparent, LCSWMA is here to request this Amendment to Paragraph 16a. LCSWMA would have to do a full application with the DEP if they were to pursue this Cresswell reuse. Getting approval for this Amendment would not signify going forward with the Cresswell reuse. It would allow LCSWMA to engage in engineering to better define what the reuse would look like. LCSWMA would continue to look at other properties as potential waste management options. Additional approvals from the Township and DEP are required before any landfill activity in the reuse area. A design of the Cresswell reuse has not been done yet to not waste time and money if this approval was not given. LCSWMA would need all DEP approvals prior to usage. This request to Amend an Approval is needed because in 1986 PPL owned and used the corridor in discussion. Today, LCSWMA owns such property, and all the PPL infrastructure has been removed from the corridor. This request has Amended the language with regards to Paragraph 16a. LCSWMA requests the language should change to: Expand the exterior footprint of the Cresswell Landfill beyond footprint outlined and shown on Exhibit A, which footprint is the existing exterior landfill footprint plus proportion of the corridor interior to the existing exterior footprint of the landfill. Mr. Zorbaugh acknowledged the above language change. Applicant Exhibit 1 is the same as Exhibit A. LCSWMA understands that the original purpose of the condition was to limit expansion of the exterior perimeter of the landfill operation. This purposed Amendment continues this condition. The approval of this Amendment would allow the use of the corridor in a way that would facilitate an

internal infill of the landfill. The approval will also allow the efficient use of the landfill and the existing operations of the current site allowing additional capacity. The infrastructure to support the utilization of the corridor is in place due to the existing landfill operation. The use of this corridor is a logical use. Prior to usage of this corridor LCSWMA will be subject to a public permitting process, including a public hearing with the DEP. LCSWMA has had five meetings with the neighbors starting in July 2022 where this topic was presented. The Cresswell reuse possibility has been in discussion for the last 20 years. LCSWMA is required to have a yearly meeting with neighbors in which on occasion more than one has occurred.

Dennis Funk confirmed the corridor is approximately 17 acres, 150' right-of-way. Expansion could occur going toward the red lines on Exhibit 2. Currently the Cresswell landfill elevation is 550' above sea level, with no final design currently. Between consent agreements the elevation could go to a maximum of 780' above sea level. The decision by the LCSWMA Board will have to occur several years before 2033 as engineering designs will still need to be done prior to use. The expansion of the area will not occur until the existing landfill is full. Dennis Funk inquired about the possibility of a green field expansion as was mentioned. Mr. Zorbaugh claims this will be very challenging as over 100 acres of land is difficult to find. The red lines on Exhibit 2 show the landfill usage setbacks and there are geographical features which could prevent landfill usage per Jeff Klugh's clarification request. Solicitor Peipher inquired that if approved to use the corridor area an estimated 45-50 years of capacity would be gained.

Open to public comment. Solicitor Jason Hess clarified that Mr. Zorbaugh was involved in the Amendment back in 1986 and is now requesting a change to this Amendment. Mr. Zorbaugh acknowledged. David Millisock, 102 Spring Meadow Lane, clarified the timelines of this project with capacity possibilities. Mary Glazier, 269 Chestnut Grove Road, commented that the new leadership of LCSWMA has been very transparent but concerned about the continued effect this operation has on the neighborhood. Ms. Glazier inquired if land was being looked at outside of Lancaster County. Courtney Barry, 3240 River Road, commented about living so close to the landfill and its toxicity. Ms. Barry commented about the beautiful facilities created in the neighborhood and why not make a new relationship elsewhere.

Solicitor Jason Hess clarified that the change to this Amendment is still consistent with the usage of the 1986 Zoning Decision and allowing the infill will not negatively affect the neighbors. Opening the corridor is in keeping with the original design.

Attorney Mike Davis gave closing comments. The client believes that the proposed Amendment is appropriate and does establish that there has been a changed condition from the 1986 Zoning Decision. Chairman Singer called for a brief recess. Meeting resumed. Testimony was closed. Dennis Funk made a motion to Approve the Application to Amend the Condition of the 1986 Decision, Section 16a per the Proposal presented. Jeff Klugh seconded, the motion carried unanimously.

2. Adjourn

The next meeting will be held May 1, 2024 at 7:00 pm at the Manor Township Municipal Office at 950 W Fairway Avenue, Lancaster.

Chairman Singer commented that there was no further business to discuss. Jeff Klugh made a motion to adjourn the meeting. Dennis Funk seconded, and the meeting adjourned at 8:20 pm.

Respectfully Submitted,

Jeffrey Klugh

Secretary

Recording Secretary
Peg Hess