

**PLANNING COMMISSION MEETING MINUTES
EAST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA
8848 JONESTOWN ROAD, GRANTVILLE, PA 17028**

October 27, 2009

Members Present: David Craig, Chairman
Michael Webb, Vice Chairman; Glenn Moyer, Member
Members Absent: Michael Kovach, Member

Also Present: Norman Ulrich, Township Engineer
Dawn Eppinger, Administrative Assistant to the Planning Commission
Absent: Scott Wyland, Hawke, McKeon & Sniscak, Township Solicitor
Leah Rowand, Dauphin County Planning Commission
David Smith, Township Zoning Officer

This meeting was audio taped. The tapes are strictly for the use of the Administrative Assistant for clarification during preparation of the minutes.

The meeting was called to order by Chairman Craig at 7:04 p.m. During the roll call, Chairman Craig noted the individuals who are not present previously communicated with the Planning Commission that their absence would be anticipated.

APPROVAL OF MINUTES

- **Mr. Moyer made a motion to recommend approval of the meeting minutes of September 22, 2009. The motion was seconded by Mr. Webb. Being no further discussion, the motion was approved 3 in favor, 0 opposed.**

PLANS TO BE DISCUSSED

1. Halbleib (expires 01/29/10) – This is a land development plan located at 8685 Devonshire Heights Road in Hummelstown.
 - Chairman Craig noted an extension of time was granted at the last Board of Supervisors meeting.
 - Mrs. Eppinger noted a plan revision was received at the Township on Monday, October 26, 2009.
 - Mr. Ulrich discussed protocol for accepting the plans but noted the last revision that was reviewed; the first acceptance period was waived. He added a month would be enough time to review the plan and asked for direction from the Planning Commission, noting he can have a review letter prepared and mailed.
 - The Planning Commission was in agreement to have Mr. Ulrich perform a review before the November meeting.

2. Shutt (expires 01/02/2010) – this is a final two-lot subdivision plan at 484 Manada Gap Road. A revision was submitted.
 - Mr. Mark Anderson was present to represent the applicant. He noted they were in receipt of the LTL letter dated May 21, 2009 and noted they addressed the comments.
 - Chairman Craig discussed the protocol with accepting the plan and discussing it at the following meeting. He noted LTL will have a review letter before the November meeting mailed out with a full letter of comments to hopefully take action at the next meeting.
 - Chairman Craig asked if there were any items Mr. Anderson would like to point out for the Planning Commission.
 - There was discussion regarding the Zoning Office sending out a rough draft of a letter on Tuesday, October 27, 2009 via e-mail to Mrs. Eppinger which was forwarded to the Planning Commission members and LTL.
 - Mr. Anderson noted he did not see the letter, and Chairman Craig provided a copy for him.
 - Mr. Webb pointed out on Page 2 of the plan in several instances; a wrong note number was cited. On the upper right corner where it is noted, "Street Trees in Note 13", it should be Note 14; on the bottom right where the alternative disposal site is, it says "see Note 12", but should be Note 13.
 - Mr. Anderson noted under comment #6 of the Light-Heigel letter, that a Form B waiver had previously been submitted; it was clarified the Township has a copy on file.
 - There was discussion regarding the Form B Waiver being submitted with the plan earlier in the year. A copy can be provided.
 - There was discussion regarding a formal letter being produced by LTL a week before the next meeting. Chairman Craig noted if there are any questions or concerns that LTL can be contacted directly.

OTHER BUSINESS

1. Hilton Garden Inn Sewage Planning Module – Component 4A
 - Chairman Craig noted no additional information has been received to date and asked Mr. Ulrich if there has been any contact.
 - Mr. Ulrich noted there has been no additional communication. There was discussion regarding additional survey information that was going to be gathered; adding there was an issue with gravity feed.
 - It was noted they were going to look into Texas Eastern pressure line that runs across. This may take some time because Texas Eastern is not local.
2. Zoning Ordinance Immediate
 - Mr. Ulrich distributed a time line for the zoning ordinance. He noted at the last meeting, it was discussed that before completing the zoning ordinance revisions immediate, for the larger topics, they would break out a couple of items to address the short falls in the zoning ordinance.

- He noted those are identified in the scope of work letter and the revisions should not be a large issue because they are clear cut.
 - There was discussion regarding the suggested time line and if followed would be adopted the middle of July 2010.
 - Mr. Ulrich read from the timeline which was distributed. He noted after everything is in order, the revisions will be sent to the Dauphin County Planning Commission before it is considered final.
 - During discussion Mr. Ulrich noted it is not required.
 - Mr. Ulrich noted this is to address glaring deficiencies in the zoning ordinance.
 - He noted when a complete redo of the ordinance is done; this component will already be taken care of, adding that changes could be made.
 - Mr. Ulrich noted it is good to have a timeline so everybody knows what is out there, adding it is not set in stone.
3. SALDO Revisions, Long Term
- Mr. Ulrich commented he is still working on the timeline. He noted there will be a lot of work. He thought it would be best to come to the Planning Commission with the first article in draft form and give the Commission a month to look at it.
 - He commented while the Commission is reviewing an article, LTL will be working on the next article and every month a piece of the SALDO will be reviewed and looked at.
 - It was noted there are 8 articles plus appendices.
 - He commented the draft timeline starts in the middle of December and would be adopted in March of 2011.
 - Mr. Ulrich noted comments would be solicited from the same sources as the zoning ordinance and he would try to forward the information to the Commission a week before the next meeting.
4. Broadway Classics – Condition Use Application
- Chairman Craig noted the applicant formally withdrew their application.

NEW BUSINESS

1. Mark Silver (from firm of Joseph A. Klein, P.C.) – Representing Adam Martin of Chesapeake Estates regarding zoning and related ordinances
 - Mr. Silver introduced himself and commented there were some matters over the summer in regards to placement of a home in the mobile home park. He noted with the complexities of manufactured housing today and as it was when the park was initially approved, and the sizes of the homes and the existing lots and the infrastructure that is currently there, they are wrestling with “how do they put 5 pounds in a 2 pound box”.
 - He added they would like to generally describe what they would like to accomplish through the new zoning and related ordinances project and also talk in the short term. Under the current SALDO, Article 7 is the article that

authorizes the separate Mobile Park Ordinance. He noted it will not be completed on the Township's timeframe until spring of 2011.

- Mr. Silver noted Mr. Martin and himself went through a very similar exercise approximately 1 ½ years ago in Jackson Township in York County with respect to a large mobile home park Chesapeake operates there. Lot sizes, distances between homes, separation distances, setbacks and other related measurements and they went through an ordinance revision and amendment process as well. He added what started out as a 12 month process ending up being a 2 to 2 ½ year long process.
- He noted Mr. Martin prepared, at his request, some diagrams of lots. He asked if the Planning Commission wanted to look at them in detail or preferred to have them submitted with descriptions of where the difficulty comes into play.
- Mr. Silver invited Mr. Martin to address the Commission because he would have the details. He added the ordinance under which the development plan for the park was approved contains the dimensions for all of the setbacks and separation distances that they would like ideally to be in place in the Township and not the ones contained in the 2003 Mobile Home Park Ordinance.
- Mr. Silver noted the reasons for that are that the homes were produced at the time the plan was originally approved in the same sizes as they are currently, but the demand and the number of homes of the larger size was then approximately 70% of the demand for new home purchases of double-wides, whereas today, it is about 90% and growing.
- Mr. Silver noted Mr. Martin described to him that one of the reasons is that people can afford the larger homes today because of improvements in the manufacturing process so that the larger homes are not mathematically so much more expensive than a single wide home today. As a result, in order for this park to continue they need to specifically address the separation distances and the various setbacks of the home, adding will anticipate a couple of issues and then talk about specifics.
- He noted one of the issues that was raised and discussed in Jackson Township, which is being discussed because it is a similar exercise, was they have some concern about fire and whether or not fire can jump the distance between homes if there was a 20 foot separation distance between them.
- He added there is statistic out there in the Association of Fire Fighters, manufactured home industry which is replete with documentation of fire that jump the separation distance of 20 feet. If anything, fires are in large part contained within the structure itself when those kinds of things happen.
- He commented it is a matter of picking distances with the particular support for the distances that are picked. That is why they believe giving credence to the size of the homes as they are currently produced, the demand for them and how they can actually be configured on the lots. He noted Mr. Martin has dimensions and pictures if the Commission was interested in talking about it at the meeting.
- Chairman Craig asked about codes, noting East Hanover is a participating municipality and adopted the new codes from Labor and Industry. He asked if any would be governed by that, noting they could not be overruled and questioned if any of them would apply.

- Mr. Silver answered not the issues that the ordinances currently address adding it has to do with the structure itself and not front, side or rear yard setbacks, distances between homes, etc.
- Chairman Craig noted there would be distance requirements for certain size propane tanks and things of that nature away from buildings, adding he thought that was in the code.
- Mr. Ulrich asked if fire separation is covered under building code. Mr. Silver answered he was not sure.
- Mr. Ulrich noted setback issues and minimum lot size would not be a building code issue, but he thinks what Chairman Craig is getting at is that if there is something governed under an ordinance or a law that is not under the Township control, there is nothing that the Township could do by changing an ordinance.
- Mr. Silver noted he was correct, but does not feel that is the case. It has not been an issue that has been presented.
- Mr. Martin distributed copies of the original layout plan that was previously approved. He noted when the plan was originally approved, the ordinance that they were developing under did not address any lot lines setbacks. It was solely separation requirements between houses and separation distances from public roads and interior roads in the project.
- Mr. Martin noted if he reads things correctly with the current ordinance in place, and he completely understands that if they would come back in for any type of an expansion or future development, the current ordinance, whatever would be in place, is what would have to be adhered to.
- He noted with what the project was developed and built under, with the requirements that are in place now and that is a front yard setback of 30 feet, a rear yard setback of 25 feet and side yard setbacks of 15 feet, they cannot meet that with any home that they have in the park.
- He noted a typical single-wide is 14 by 70 feet long. If they have 30 feet for the front setback, 25 for the rear and 70 for the home, that is 125 feet total. Their lots are only 110 feet deep and the typical lot is 48 feet by 110. A single cannot be put on the lot because of the front and rear setback, and if they have to adhere to the 15 feet each side, that is 30 feet which leaves a maximum width of 18 feet for a home. They cannot put any double-wides on any of the spaces going by the requirements.
- Mr. Martin added if they cannot park any double-wides on the single lots, he cannot do very much. There are also some issues with the way the homes are constructed with a side yard setback requirement. He approached the tables of the Commission and pointed out on the diagram the front of the home, the back of the home.
- He noted they place their homes approximately four feet from the electric pedestal, which would be the lot line. He added it is not a subdivided line, just a line in the park which gives maximum front yard usage for the home. If they have to set the home 15 feet off the side line, that cuts down on front yard space and gives them more back yard space, but they do not typically use that. That is not how a park is really set up.

- Mr. Martin shared a few pictures with the Commission of what the home setup is and pointed out the areas for them.
- Chairman Craig asked in the picture if the gabled end is not the front of the house or the main entry.
- Mr. Martin answered that it is not. Every house has two entrances and sometimes they put it on the end of the house. He pointed out the front door and front yard on one of the pictures. He pointed out the side of the house.
- He noted the way the ordinance reads, as compared to the way a mobile home is built, he know what is it referencing. He pointed out the side measurements. He pointed out the front of the houses on the porches.
- Chairman Craig noted it really is semantics with what the ordinance calls the front.
- Mr. Ulrich noted it would be more appropriate for the Zoning Officer to answer; and he noted the zoning ordinance is written that the front lot, the rear lot and the side lot is defined based on the road. There may be a lot with a really nice view, and noted there is nothing to prevent them having the side of the house face the road. It is not normal, but there is no reason that it could not happen that way, but the front, sides and rear are still set up that way.
- Mr. Martin noted he understands the ordinance completely how it is written currently, but noted they cannot meet that.
- Chairman Craig noted, given the diagram that was shared, there is a 20 footer and if they wanted to put a double and the lots are typically 48, that would leave 14 feet maximum each side.
- There were three individuals speaking at one time and it was hard to discern the conversation.
- Chairman Craig noted on the back side they try to do 4, so that would be 16 feet for the front yard, if they kept the 4 feet reference for the back.
- Mr. Martin commented that is typically what they set the homes at.
- Chairman Craig added it would with 16 feet for the front yard and by the time you put an 8-foot deck on the front....Mr. Ulrich noted it is a matter of whether a deck can be inside the front yard setback as well. He did not know.
- Chairman Craig added he was trying to think of the other issues that would occur.
- Mr. Webb added the minimum separation issue is 30 feet. He added he is guessing the only time this would become a problem is when they are moving existing homes out and moving new ones in.
- Mr. Martin answered yes.
- Mr. Ulrich added the demand is for larger homes.
- Chairman Craig asked if there was a life expectancy for the homes.
- Mr. Martin answered they have some homes that are still there from 1986 that are taken care of and maintained. The home sizes have not really changed. In the 80's, they were building 20 by 64 and 28 by 70 homes. They haven't gotten any bigger or wider homes today than they did then.
- Mr. Ulrich commented they are saying they were available and they are still available today just that the demands have changed.

- Mr. Martin answered slightly more, yes.
- Chairman Craig commented that they have some lots that can accommodate the 28 foot wide ones
- Mr. Martin answered not if you are going to be 30 feet away. The match does not work. He added with the way the ordinance is written now with the 15 foot side yard separation off each side, 18 feet would be the maximum which would be a single-wide. All of their utilities in the project are constructed eight feet off of what they would consider the back of the house line so every utility in the park would have to be moved, to move the homes 15 feet away.
- Mr. Martin added he could bring pictures from the tri-county area mobile home parks and all of them locate the homes towards the right side lot line if you are looking in from the street because in the front of the house, you want to provide the maximum amount of usable yard.
- He added if you build a regular stick-built home and have a limited sized lot, you would provide yourself with the maximum amount of usable yard in the front of the homes. It is the same thing with these homes.
- Mr. Ulrich noted that ultimately what they are looking to clarify is that the demand today will not meet the lots that they have existing which is the demand for larger lots. They can still put a 14 by 60 or 65 home on there, they are just afraid they cannot rent it or sell it.
- Mr. Martin answered they have not sold a 14 x 60 home in 10 years.
- Mr. Ulrich answered that is what he is getting at, it is the demand.
- Mr. Keith Espenshade requested to ask a question and noted they referenced Jackson Township and the process they went through and asked how it turned out for them. He noted he is assuming they are addressing the same issue.
- Mr. Martin answered it is almost identical. He answered their old ordinance was very similar to this Township's ordinance. They stressed everything as home separation not a lot line. They added lot lines in.
- There were two individuals that spoke on top of one another so it was unclear as to what was said.
- Mr. Martin continued that they changed their ordinance to allow the homes to be parked within five feet of what they consider to be the back lot line close to the electric pedestal and a 20 foot separation between houses rather than a 30 foot separation because they were in the same situation.
- Mr. Espenshade asked if they had any homes back-to-back in that park.
- Mr. Martin answered they are in the back end back-to-back. The old ordinance provided a separation.
- Mr. Espenshade asked what the home separation was between the two units, was it only 10 feet.
- Mr. Martin responded the only ordinance was 15 feet provided that the rear of the homes were staggered and were not backed in end to end. In Jackson Township what they wound up agreeing to was a 20 feet minimum separation between all houses, not going by lot line.
- Mr. Espenshade answered he understands the concept because it is becoming an issue in every mobile home park.

- Mr. Martin answered the separation between homes was the biggest issue in Jackson Township.
- Mr. Espenshade added basically they have a 20 foot separation between homes on any side. Mr. Martin added side to side, end to end.
- Mr. Espenshade asked how long ago it was changed.
- Mr. Martin answered their new ordinance went into effect about a year, year and a half ago.
- Mr. Espenshade added so they have had time to move in new homes. He asked if they could possibly go there and take a look and see what it looks like.
- Mr. Martin answered right. He added they would not really see anything different there than they would see in East Hanover right now. He showed a picture of doubles sitting side to side with a 24 foot separation. He also showed a picture of three doubles sides sitting side by side and noted you cannot put three 28 foot double-wides side by side, but you can put 28, 24, 28. If they have the 20 foot to work with, they can make 90% of the lots.
- Mr. Espenshade asked as a park operator at that close a distance, do they have any issues with neighbors. If they have an older couple, that is great but if they have a family that moves in with three kids, he knows how that gets.
- Mr. Martin answered any time you have mobile homes, townhouses....
- Mr. Espenshade added the closer you get people, sometimes you will have issues.
- Mr. Martin added it is already in existence now. They will not be moving anything closer than what is already there. But the problem is now any time a home moves out, unless it is an exact footprint or duplicate going back in; they have to abide by the ordinance. Eventually it is going to be (inaudible) He added it really hurt them in Thomasville. It took them 18 months to come to a resolution.
- Mr. Martin added they were working with them but they would not do anything to expedite it. They are still fighting with that. He added he has two deals pending right now that he can sell homes.
- Mr. Espenshade asked, long term that would not be a solution they are looking for and would like this addressed now.
- Mr. Martin answered they need to see if they can address it through the ordinance and if it does have to run a complete course of the timeline until the ordinance is adopted, they will find out if they can work on a per lot basis to get special exceptions and variances so that they can continue to operate.
- Mr. Martin added it is not a good time for anybody right now and this is really making it tough on them to sell houses.
- Mr. Silver asked to add to the response and added they had this very situation of a home that left the park and a home that wanted to come into the park in August and they were able to work with East Hanover and got a satisfactory result.
- Mr. Silver added the Jackson Township numbers for the distances, separation side, front and rear yard set backs, etc. in their ordinance were the same as what the East Hanover ordinance is and their old ordinance that they went back to is the same as what East Hanover's old ordinance was. He also added the very set backs being discussed and the separation distances are in fact what is in the park currently. Because that is the way the park was constructed.

- Mr. Silver also added it is not like things are going to change appearance-wise. It is what it is because it was built in accordance with the original plan. He added both Mr. Martin and himself appreciate the Township's time and interest. He added the Township sort of hears the issues, and they can crystalize some of them and submit some diagrams to the Township for the records.
- He also added he did not hear any discussion for the timeline for the Mobile Home Park Ordinance. He does not know where it necessarily fits in because it is authorized by Article 7 of the SALDO, if that will follow the SALDO.
- Mr. Ulrich answered at this point, it was not intended to take a look at it. He noted he was just talking to Chairman Craig and that is something that could be looked at. But at this point, what they are looking at is the SALDO and zoning and that is a stand-alone ordinance and would be a separate issue.
- Mr. Silver noted what Chesapeake has is two different levels to look at or three perhaps. Working with the Planning Commission and ultimately the Board of Supervisors on the ordinances. The second thing is an ad-hoc basis as they did last summer on a lot by lot basis. And the third thing is there would be there is an appeal process to go straight to the Board of Supervisors on the issues. The factors are the same and will not change home to home.
- Mr. Tom Shutt introduced himself and said if he heard him correctly, a statement was made that about when this was pretty much developed or designed that there were trailers. He noted he is a life-long resident. He added the size they are looking to put in now, which does not fit now, because the trailer park was not laid out for bigger trailers.
- Mr. Martin answered they fit when the ordinance required a 20-foot separation, but now that it is a 30-foot separation, they cannot. The lots weren't designed to put a 20-foot wide home and 30 feet separating that. They were designed according to the ordinance that was approved back in 1986 or 1985; there was a 20-foot separation, it does fit and they did work at that point.
- Mr. Shutt added, so it is the ordinance that does not fit.
- Mr. Martin answered the new separation requirement does not work and the way it is written with a 15-foot requirement on each side, just that ordinance alone limits them to single-wides only with the size of the lots in the park.
- Mr. Shutt added it goes back to what was laid out for single-wides not doubles.
- Mr. Martin answered it was laid out for double-wides; double-wide homes fit with a 20-foot separation requirement. It was built and approved for singles and doubles assuming, assuming there was a minimum of 20 feet separating the homes. They didn't build it 20 years ago for a 30-foot separation because 30 feet was not required at that point.
- Chairman Craig added at the time they built it they designed it to meet the minimum criteria, not giving them much elbow room so that they could build the most.
- Mr. Martin added they are currently doing an expansion in Adams County. It is a similar situation. That particular Township requires 70 by 100 and that is what they have to build on the new section.
- Chairman Craig asked if they have the ability to expand the park.

- Mr. Martin answered yes they have more ground but do not have any intention at this point. They had looked at it years ago, but now the market the way it is right now in the foreseeable future. At this point, no, they do not.
- Chairman Craig asked with the new ordinance that comes with these bearing setbacks or greater setback distance, is the question more to whether or not it was a safety factor or aesthetic issue, or health, safety, welfare or quality of life issue would be the main question he would like to have answered in his mind before really diving into the matter. With that said, he would probably look to task the engineer with finding out why this would be the norm.
- He added obviously another Township adopted pretty much the same type of ordinance when they were updating theirs. We have much the same as Jackson Township when we updated our ordinances. A lot of people put thought into adopting these ordinances. Was this something that was not a good idea or what was the reasoning behind getting to that.
- Mr. Martin answered he does not know that it is necessarily a bad idea or anything from the adoption of the ordinance forward. As he previously mentioned, they are doing an expansion in Adams County to a park that the old spaces are 48 by 100. The new requirement is a minimum lot size of 7,000 square feet which would be 70 by 100 lot size with 30 foot separation between the homes.
- He added if he was going to apply for an expansion to this particular park, he would understand that anything that is in the ordinance would have to be adhered to. If there is a new street requirement, new sidewalk requirement, fire hydrant requirements, whatever those would be. But he has an existing pre-approved development that was approved based on a certain ordinance that was in place at that time and now it would kind of be like if the new ordinance says the roads have to be 40 foot wide. He does not know it would be fair to make him go in, tear up his roads and build them to 40 foot wide and move houses back and relocate utilities. They could not afford to do it.
- Mr. Martin noted to restructure and rebuild the park, which is basically what would have to be done to meet these current ordinances, that would not work either. He noted it is a little bit, he feels, an unfair scenerio to be required to have something that is already approved and working and then change the ordinances to something he cannot meet. He does not have a problem with it from here forward. Whether it be aesthetic or safety or something else. But something that is already there and approved by the Township to be built that way. They need to try and figure something out.
- Mr. Shutt brought up another question. He asked if they have an ordinance of their own in the trailer park. He noted he called back there about his mobile home and the problem was it was 20 years old, was well-kept with new carpet, it was aluminum siding and not vinyl; it did not have an "A" roof on it; somewhat but it was a tin roof but would not quality. He noted they would not change their ordinance for him to set his trailer and he had to give it away. No trailer park would. Ordinances work two ways.
- Mr. Martin answered he understands but it is not comparing apples to apples.
- Mr. Shutt thanked him.

- Ms. Marie Beaudet noted there is something she does not understand. There is a part that was approved and then there is a part that was built on that would have to go after the 2003 ordinances, if there would be an expansion. She asked if they are considered non-conforming now, is that why they cannot put them in. Why do they have to go by the new ordinance. Did the new ordinance make what was there non-conforming.
- Mr. Ulrich clarified they are showing a 14 by 70 and asked if the new ordinance calls for a 30-foot front and 20-foot rear. It was clarified 30 and 25. So from a length standpoint, the 14 by 70 would not work. From a width standpoint, the 14 would still work. He has not read the ordinance and he is trying to step in for the zoning officer, but it is his understanding that if there is a 30-foot separation, you got 18 even with the side yard setbacks, while you do not like them because it is 15 on both, as opposed to 30 say 10 foot minimum, 30 foot aggregate, it would still work for 14 foot wide up to 18 feet but the 70 would not work.
- He added the issue is back when this was originally done, they laid the lots out to accept double-wides under the ordinances that was in place at the time; however now that there is a demand for double-wides which they did lay it out for double-wides back then but because the ordinance was changed, and they want to put double-wides in now.
- Ms. Beaudet asked to interrupt and noted this is where her confusion is. Did the new ordinance made those existing, when you pull out a single and go to put in a double, does the new ordinance made those existing a non-conforming lot.
- Mr. Ulrich answered they could not put a double in now with the way the ordinance is written. They could put a 14 by 70 back in and essentially have an existing non-conforming use.
- Ms. Beaudet asked if a trailer is pulled out, do you have to go by the new ordinances to put a new trailer in.
- Mr. Ulrich answered if they are going to change the size. If they took a trailer back, they could still put the 14 by 70 out.
- Ms. Beaudet asked if they pulled out a double-wide could they put a double-wide back in.
- Mr. Ulrich answered as long as it did not increase the size, he believes that would be true.
- Mr. Martin answered that becomes an issue because double-wides range in length from 40 feet long to 70 feet long so depending on what the homeowner wants, it is easy if a 28 by 44 moves out and they want to put a 28 x 50 back in up against it will not work because of the square footage.
- Ms. Beaudet noted it is not the double-wide, it is the length.
- Mr. Ulrich commented it would be both.
- Mr. Silver commented Ms. Beaudet hit the nail on the head and that is the issue concerning which they resolved on Lot 25 on Decatur Drive in the summer. Because the following position was taken and he argued that the size of the home has nothing to do with use. It is a mobile home on a mobile home lot in a mobile home park that was approved. Same use. It doesn't matter whether it's a two pound mobile home or a hundred pound mobile home for residential purposes.

- He added he argued that because the park was constructed in accordance with the plans that were approved by this Township's Board of Supervisors in approximately 1985, give or take, under the 1970 ordinance that all of those homes because of the new ordinance of 2003, become legal pre-existing non-conforming uses because that is the only term that is out there they've invented.
- He added if you even take off a single-wide and want to put on a double-wide, it's not a change in use. It's still manufactured housing on a lot for residential purposes. When he and Mr. Wyland got involved in a discussion, Mr. Wyland brought up the issue of use and Mr. Silver told him he didn't think use is an issue and Mr. Wyland said, let's resolve this and they resolved Lot 125.
- He added that is why he mentioned earlier about these things coming before the Board of Supervisors on an ad hoc basis, but there ought to be some predictability to the result. They ought to know in advance that this is going to work, they have to go through the formality but in deed the use is the use. A mobile home. It doesn't matter the size.
- Chairman Craig answered the EDU's would matter at that point in time. If you went from a one bedroom to a three bedroom.
- Mr. Martin answered he does not think there is a single bedroom home in the park.
- Mr. Silver answered it was an example but it is an interesting example because he does not have a lot of history with Chairman Craig, but there is a lot of history in the park with sewer plant one and sewer plant two. What he can tell the Township is that they know from their own meters that were on the system before the Township took over they know with these homes and all of their homes, because it is a statistic in the industry, use far less gallons per day than any definition of an EDU. They have meters in all their parks and they do not use the gallons per day that DEP defines as an EDU. It really does boil down to a legal pre-existing non-conforming use.
- He added use is a fractured word in that sense. Because if you are taking out a home and putting in a home, it's the same use. They can all try to find trappings. It is still a home. A home is a home is a home. What they are looking for now is some direction with how the Planning Commission would like them to proceed on these issues to either expedite resolution or if the Planning Commission says they are going to go their own calendar way, he guesses they would come to the Board.
- Chairman Craig answered his direction would be best served coming from the Board of Supervisors. They do not handle the financial end of things and if they were to take up an ordinance that has been asked of them to do, they would be spending funds pulling in the professionals to have them advise the Commission and they do not have the authority to do that. He thinks their direction would be best gathered from the Board of Supervisors. If they so dictate they want the Commission to take up the Mobile Home Ordinance, they will send that down. If they want to work with the client on an ad-hoc basis as mentioned earlier, that would be up to them. He understands their position. They do need to have some resolution or guidance to plan for the foreseeable future as they move forward.

- He continued that unfortunately, he does not think the Planning Commission is empowered to tell them, "this is the way to go at this point in time". He thinks their interests would be best served in front of the Board of Supervisors and maybe somebody could correct him if he is wrong. He apologized for wasting their time with but feels they were given a lot of insight with what they brought forward.
- Mr. Silver answered it was not a waste of time at all, that it is important to air the issues and they learned a lot.
- Chairman Craig asked how the discussion with Mr. Wyland turned out.
- Mr. Silver answered he did not exactly recollect.
- Mr. Webb added he has some reservations from using a statement a mobile home is a mobile home is a mobile home. Because there needs to be certain spacing between homes, so if they suddenly started manufacturing triple-wides and you said this is a mobile home and you plunked in triple-wides in something that was not anticipated at that point, that is a different use. Or if the double-wides instead of being 50 feet long end up being 60 or 70 feet long that is a pretty significant difference in terms of square footage and probably not expected when the original plan was done.
- He added by the same token, he understands the dilemma they are in at this point. They have an approved process and they would like to have a predictable outcome when they go to do change outs. Obviously there is a higher profit margin on selling double-wides as well as more demand. His personal recommendation to the members of the Board that are present is that this is an area they would not want to move expeditiously on, to tread lightly and think about the long-term ramifications of anything they would want to do in terms of making changes.
- He noted he does not know how often they would have to come for when they pull one out and asked how often that occurs.
- Mr. Martin answered it is random.
- Mr. Webb asked that it is not like it is something that they are getting 30 percent turnover on the homes in the course of a year or two years.
- Mr. Martin answered no, but they do have some empty spaces they are not able to fill at the current time because of not being able to meet the ordinance. Just to repeat quickly, to ease the minds, there is nothing that has changed size wise on homes. There are triple wides now and there are two and three-story modulars that are built. And he understands you cannot go crazy.
- He added they are not asking for anything more than what is already there. They are not asking for triple-wides, additional size, additional capacity, multi-family home set-ups. It is the same homes that are there now. They would like to continue with what they have and with the way it is written, they cannot. Just the 15 foot side yard setback alone eliminates all doubles and if they cannot sell doubles, they will not remain in business because there is just not a demand for single-wide homes.
- Chairman Craig asked what would make them move to Phase II and start developing that other land that they have that could be compliant. He asked what would precipitate that.

- Mr. Martin answered they have had the additional land since they bought the property. The park was built to such a size and developed. It was what they wanted to do at the time.
- Chairman Craig asked what would make them move to do "Phase II".
- Mr. Martin answered it would take a major change in the economy right now. The mobile home business has not been good the last two or three years. So just like everybody else in the business, the economy is hurting everyone. He can't remember exactly, but he thinks he have over 15 empty spaces in this park. They have 30 empty spaces in another park. It's a tough time. It would have to be an extreme demand for new homes and places to put them. The park that he is talking about in Adams County, he doesn't know why that park has been full since the day it was opened. There is a demand there so that is why they are doing an expansion there.
- He added it would do them no good to do an expansion here because they cannot fill the empty spaces that they have even if the ordinance wasn't a problem. There are 10 empty spaces and 2 people that want to buy new homes. That is a very, very slow pace.
- Chairman Craig asked if Jackson Township is in York County because Adams County was also mentioned.
- Mr. Martin answered Adams County is where they are working on getting an expansion approved. That is a small park and is currently a 120-space park. With this being 347-space park with the turnover of people moving in and moving out, in the mobile home industry, that is a good size development. To build a 600-space mobile home park, unless you are in Florida or some place where you have an incredible demand, you will never fill it.
- He added the amount of people that are moving in versus the amount of people that move out that buy or build a stick-built home or move up, you just can't keep them full.
- Chairman Craig asked for any other questions for the applicant.
- Mr. Ulrich noted a couple of things that struck him. He noted Mr. Silver indicated about the use and while he understands from a general standpoint what he is saying If a developer has a raw piece of ground, they are going to put the size homes they think they need right up against the set back lines.
- He added he understands what was said before that it was essentially laid out for double-wides. But if you have zoning and you're selling a 2,000 square foot home and all of a sudden, that's the uniqueness of mobile homes versus a stick built home. The idea is there is a short life expectancy here. You aren't typically going to be knocking down a permanent dwelling and building something else.
- Mr. Ulrich also added the same argument couldn't be made, oh gee, we knocked this 2,000 square foot home down and I really wanted to build a 4,000 square foot home but there is 6 inches of setback available on either side. That isn't going to happen. So he would be curious to see what Mr. Wyland would have to say. He can understand from a use standpoint, but there are set back, isolation distances that do protect the Township for various reasons. Whether they are or are not code, that would be something he would be curious to look into.

- Mr. Ulrich commented so the fact that it was laid out for double-wides initially, that is great that there was some forethought there. But is there is a reason that the Township now has a 30-foot separation, if there is a concern they have whether it be just for well-being, the community, things like that. There are reasons for that. Certainly you could take the home out and put something up like-size back in. He doesn't know if the Township will have them look into it. Certainly they could but he doesn't know the direction they would take. He thinks that the fact that there is a mobile home versus a stick-built home is the main difference.
- He added you are typically not dealing with this on a stick-built home because you are not pulling it out and popping a new one in. This is someone's dwelling, and while it is not a travel trailer, it's a permanent home because it's put in that way. This is kind of the uniqueness here. Your building lines, although you are setting them, they're going to be an issue while a permanent-built home is not.
- Mr. Silver answered in part answer it is interesting and curious and coincidental all at the same time that so many ordinances around so many municipalities in the early and mid 2000, 2003, the consultants use in large part a can for ordinances and they, of course, tailor them predicated on preferences or requirements or needs of each different municipality in which they function and thus the reason for the public hearings and the public comment periods.
- He added as a result of those public hearings and those public comment periods before the Commission and before the Board, sometimes those canned documents get tailored to be very specific. Sometimes they stay in the can position. Because he knows that Jackson had been through a consultant and because the prior ordinance here had been through a consultant, because they participated in some of those hearings and comment sessions.
- Mr. Silver added he thinks the can went through and did not get tailored. He is not being critical. He is being observational. He has seen it happen in different municipalities where they've been. But because of that, he will regenerate his discussion with Mr. Wyland on some of the issues and hopefully clarify some of the legal parameters and the rest of it really comes down to mathematical parameters and engineering parameters. He noted if he is hearing the Commission, he will address to the Board their concerns and see how the Board reacts and see what answer they give.
- Chairman Craig noted he had one last question. In order to put a double-wide on to meet the current standards, you would essentially have to combine two lots and would have a little bit of a buffer there for a 28 by 70 trailer.
- Mr. Martin answered even if the two lots were combined, you could meet the side yard, but they don't have 70 foot double wides. It does happen, but you still have the rear, the 25 foot and the 30 foot
- Mr. Webb asked what the more typical length for the double-wides would be.
- Mr. Martin answered there really isn't'; 70 is about the maximum, 44 is the minimum. It really depends and that has been since this part was approved.
- Mr. Silver asked if most fall in the 60's or below 60's.
- Mr. Martin answered in the 60 foot range, 28 by 60, somewhere in that range, 24 by 60. The doubles are built 24, 26, 28 wide and then 44, 70 long

- Mr. Ulrich added the max that would work would be 55 length-wise. The 110 minus the 55.
- Mr. Martin added to lose one lot for every double that they place, mathematically he doesn't know if that would work out long term. Conditionally, there's a couple of the empty spaces that he has that might be located side by side. But to think about losing ultimately a third or more of the spaces out there, he doesn't know if that would be a viable solution.
- Mr. Ulrich noted it does look like if their typical lot width is 48 and you have a 28 foot wide double-wide plus your 30 foot, so you're at 58, it looks like comfortably you could actually take one lot, split it in half and have it essentially lose the property line and you would create two lots out of three. From there it looks like you could still comfortably comply with the ordinance, other than your front and rear yard setback. It looks like that would be comfortable for them.
- Mr. Martin answered theoretically it works but how do you do that when you have one empty space, an occupied space and an occupied space. The one family will not be real happy when they tell them they are going to move their house over and give them a smaller lot. They've planted trees, flowers, shrubs. They've lived there for 20 years.
- Mr. Espenshade noted there would be utility work with that.
- Mr. Ulrich answered if you have three lots and getting rid of one, you would have to essentially abandon one of the utilities and use the other two. He didn't know from a schematic stand-point if it would work.
- Mr. Espenshade answered it can be done but the nature of the beast is you have your utility plate out there
- Chairman Craig asked if they are overhead or underground.
- Mr. Martin answered underground.
- Ms. Beaudet noted the sewer lines would be a problem.
- Mr. Ulrich noted you would have to look at it from an overall standpoint. What Mr. Martin had spelled out was true. If someone was living in there for 10 years and all of a sudden you tell them when they come home the next day their house will be 15 feet to the right or something, that could be a problem.
- Mr. Martin added it would be a monumental expense to come in and even to take a section at a time and relocate people. Double-wides have to be torn down, and reassembled which takes multiple thousands to do that. Ever since the date they got to hook into the sewer system here, they have been running a real fine line on the profit margin for this project.
- He added to take on something like that, it would probably force them to shut it down and hope that we get a commercial developer to come in and buy the property. He just doesn't think he could do that.
- Chairman Craig asked if this was their sole property here in the Township.
- Mr. Martin answered that it was.
- Chairman Craig noted there is another one down the road.
- Mr. Espenshade commented it was not theirs but they have the same problem as Mr. Martin.

- Chairman Craig noted that would be the question. Are there other issues here that maybe do they have the exact same scenerio or is theirs any different. Should we hear from both of them if we're going to be moving forward.
- Mr. Espenshade noted with the other mobile home park, it is worse. Those lots are small. He noted his issue here is you have an 1986 approved land development plan that all they want to do is go back to the way it was. As a citizen, he has a hard time telling someone they went through the process, they got a land development plan that is approved and now the Township is going to ask them to take a third of their lots away. That is a tough one for him. Back there, most of those lots were laid out for single-wide homes and now you cannot even put bigger single-wides in because they don't meet the setbacks.
- He added that park is small on lot sizes, where this was laid out in 1985 to accommodate double-wides. Since the ordinances changed, it doesn't meet the current ordinances, but it did at that time.
- Chairman Craig asked what would keep the guys down there from arguing the same thing.
- Mr. Espenshade answered they have. That is why a team was sent out there to help see what the Township could do. There, it really becomes a fire issue because you have mobile homes back-to-back that are only 5 to 10 feet apart, then they have storage sheds. That is a fire trap. This park is totally different in his opinion compared to that. There are small lots laid out for single-wides before they made 14 foot wides. They're only 12 by 60 or 12 by 50 and now you're backing mobile homes in that are only 5 to 10 feet apart. It is not only a fire trap, but you hear your neighbor's business through the window. It is a total different situation than you have here.
- Mr. Shutt added they did agree to take two lots and make it one. They agreed to sacrifice because they had to work with the deal. They didn't say they would have to close down their park.
- Mr. Espenshade added they realized for the lifestyle in that park, they needed to do that. Here you have a difference.
- Mr. Martin answered he would be happy to do the math if the Township needs to see it.
- Mr. Espenshade made the suggestion for them to come see them and to lay out their details and submit it to the Board and they'll see what happens.
- There was a comment made off the record that was not picked up by the microphone.
- Chairman Craig thanked them for their time and told them he hoped they were able to glean something from it.
- Mr. Silver answered it is always good to address people who are interested in what you are talking about it and he appreciated the Commission's time.

2. Letter from Caldwell Kearns

- Chairman Craig noted a letter was received from the Zoning Hearing Board's attorney, Mr. Wass.

- He commented he assumed the Supervisors would inform the Planning Commission if they want them to make some sort of recommendation with regards to Mr. Wass's comments.
 - He added they are talking about a recent variance request from the Mennonite church with their expansion and their ratio of seats to their parking spaces. There is a bit of a conflict in the various sections they referred to.
 - He noted one section allowed 1 parking space for 4 seats and one section allows 1 parking space for 3 seats.
 - Mr. Espenshade commented the letter was distributed to the Supervisors.
3. Flow Chart
- Chairman Craig asked Mr. Ulrich about a flow chart and asked how it was progressing.
 - Mr. Ulrich noted he was under the understanding it was forwarded to the Planning Commission.
 - There was discussion regarding whether or not the e-mail was forwarded to the Commission.
 - Mr. Ulrich noted he will look into it to ensure the e-mail was forwarded.
4. PC Workshop
- Chairman Craig reminded everyone a Commission Workshop will be held on Wednesday, October 28th at 7:00 p.m. in the kitchen of the municipal building due to the fact the voting machines are in the small room, and there is a "Meet the Candidates Night".

ADJOURNMENT

Mr. Webb made a motion to adjourn the meeting at 8:37p.m. Mr. Moyer seconded the motion.

Respectfully submitted,

Transcribed by Dawn E. Eppinger

Cc:	Board of Supervisors	Planning Commission
	Marie Beaudet	David Craig
	Keith Espenshade	Glenn Moyer
	Dave Marshall	Mike Kovach
	Tom Shutt	Mike Webb
	John Nelligan	Deb Casey, Secretary-Treasurer
	Scott Wyland, Township Solicitor	David Smith, Township Zoning Officer
	Norman Ulrich, Township Engineer	Zoning Hearing Board
	Leah Rowand, Dauphin County Planning Commission	