

**SOUTH MANHEIM TOWNSHIP
PLANNING AND ZONING COMMISSION
May 12, 2025**

The regular meeting of the South Manheim Township Planning and Zoning Commission was held Monday, May 12, 2025 beginning at 7:00 P.M. Those in attendance were Jere Moyer, Scott Baum, Salvatore Liberato, and Vice Chairman, Tyler Buck, who ran the meeting. Also in attendance were Kevin Bensinger (Steven Felty Subdivision), Steven Felty, Floyd Seltzer, David Humenansky (Russial/Seltzer Subdivision/Annexation and McMullin Annexation), Stephen and Nancy Russial, Justin and Brittany Bedford, Brett McMullin, Steven Moyer (ZEO), and Lorraine Phillips, secretary.

The minutes of the April 14, 2025 P&Z meeting were reviewed and unanimously approved on a motion made by Jere Moyer, and seconded by Scott Baum.

Steven Moyer went over his Subdivision Status Report dated May 12, 2025 (attached):

1) Russial Subdivision/Seltzer Annexation Plan

The initial plan submission was reviewed at the October 14, 2025 P&Z meeting. A 90-day time extension request has been received and the SMT Board of Supervisors (BOS) will act on that time extension at their scheduled May 14, 2025 meeting. Revised plans have been received and will be discussed at tonight's meeting.

2) Klinger Subdivision Plan

The P&Z had recommended the Klinger Subdivision Plan to the BOS for approval at their April 14, 2025 meeting. The BOS will consider approving the Plan as Final at their May 14, 2025 meeting.

3) Steven Felty Subdivision Plan

The initial plan submission was reviewed at the January 13, 2025 P&Z meeting. The BOS approved the waiver request for Section 100-22.B.1 (Total Tract Boundaries) at their April 2, 2025 meeting. A 60-day time extension request has been received and will be acted upon by the BOS at their May 14, 2025 meeting. Revised plans have been received which will be discussed at tonight's meeting.

4) McMullin Annexation Plan

This new annexation plan will be discussed at tonight's meeting.

There were **two (2)** items of **Old Business** on the agenda:

- 1) Russial/Seltzer Subdivision/Annexation Plan
- 2) Steven Felty Subdivision Plan

There were **two (2)** items of **New Business** on the agenda:

- 1) McMullin Annexation Plan
- 2) Plum Creek Municipal Authority Letter – Water Main Replacement Project Grant Application

Under Old Business:

Russial/Seltzer Subdivision/Annexation Plan

Steven Moyer went over his SDE review letter dated May 12, 2025 (attached) which addresses the outstanding comments contained in his previous review letter dated October 14, 2025 (attached to the October 14, 2025 P&Z meeting minutes).

This is the second review of a plan entitled "Preliminary Major Subdivision and Annexation Plan of Lands of Nancy and Stephen Russial and Lands of Floyd and Michelle Seltzer" prepared for Stephen Russial, Nancy Russial, Floyd M. Seltzer, Jr. and Michelle E. Seltzer. The project consists of the subdivision of a 22.3028 acre tract (UPI # 28-2-26) owned by Nancy and Stephen Russial (Residual Tract) into three (3) lots. Lot #1 is a proposed residential building lot consisting of 2.4936 acres with frontage along Berne Drive (SR 2009). Lot #2, which consists of 9.8063 acres is proposed to be annexed to the existing 22.3028 acre lot owned by Floyd and Michelle Seltzer. The final lot is to be considered the "Residual Tract" (UPI # 28-2-26) which will be reduced to 10.0030 acres. This "Residual Tract" contains an existing single-family dwelling, fronts along Schuylkill Mountain Road, and is owned by Stephen and Nancy Russial.

Under “SALDO Compliance”: (Items in **Bold** are still outstanding)

- 1) Sections 100-16.C and 100-16.F (Plan Processing Procedures/General) – Since the land was previously involved in a subdivision, it cannot be considered a Minor Subdivision and must therefore follow the procedures listed under Section 100-20 of the SALDO which requires a Preliminary Plan submission. This revised plan meets that requirement.
- 2) Sections 100-18.B.7 and 100-18.B.8 (Preliminary Plan Application and Review) – The applicant is required to notify abutting property owners of the preliminary plan to subdivide the property . The adjoining property owners have now been notified by certified mail and by posting of the property as required.
- 3) Section 100-22.A.6 (Preliminary Plan Requirements) – Zoning data for all included zoning districts is required to be shown on the Plan. Data for the R-Rural District has now been added as required.
- 4) Section 100-22.B.6 (Existing Features) – All existing buildings or other structures are required to be shown on the Plan. Previously, the existing Russian dwelling on the Residual Tract was not shown but has been added as required.
- 5) Section 100-22.B.7 (Existing Features) – All existing man-made features (wells, septic, utility lines, etc.) are required to be shown on the Plan. They now appear on the Plan as required.
- 6) Section 100-22.C.6 (Proposed Layout) – The building setback lines needed to be adjusted where they are different in the R-Rural District portion of the property. That has been done as required.
- 7) Section 100-22.C.14 (On-lot Sewage Disposal) – The Plan indicates soil testing was previously done for a proposed four (4) lot subdivision in 2012. PA DEP had approved the Planning Module for those four (4) lots even though that subdivision plan was eventually reduced to only two (2) lots. This Plan is utilizing the past data and Planning Module approval from 2012. The Township SEO contacted DEP to explain the present proposal to take the original 2012 data from the Planning Module for the proposed four (4) lot subdivision and modify it into a three (3) lot subdivision. As the lots are depicted, they each have a primary and secondary absorption area. DEP is satisfied that no further planning is required to be submitted. When an application is sent in for a septic permit, the Township SEO is to use the 2012 Planning Module Approval number on the application.
- 8) Section 100-22.C.15 (Water Supply) – The proposed well location for Lot #1 has been shown on the Plan as required.
- 9) Section 100-22.C.17 (Stormwater Management) – A Stormwater Management Plan must be prepared in accordance with Section 100-34 of the SALDO. This comment is addressed under “Stormwater Management Comments” below.
- 10) **Section 100-22.C.19 (Highway Occupancy Permit (HOP)) – A HOP has been obtained for Lot #1 (HOP #05064428). That number will need to be placed on the Plan. It is suggested that it be included as Note 23 on Sheet 2 of the Plan.**
- 11) Section 100-22.C.21 (Grading) – A Grading Plan Is required. This comment is addressed under “Stormwater Management Comments” below.
- 12) Section 100-23.A.1 (Tract Boundaries) – The meets and bounds label for Lot #1 has been corrected as required.
- 13) Section 100-23.A.4 (Municipal Endorsements) – The Planning Commission endorsement has been revised as required.
- 14) **Section 100-23.A.14 (Cost Estimate) – An estimate of construction costs for all proposed public improvements as well as for the proposed stormwater management facilities, landscaping, erosion control, etc. and an Improvements Agreement is required for this Plan. These items will need to be included in the Final Plan submission.**
- 15) Section 100-28.C (Lots and Parcels) – “The depth of residential lots shall be at least equal to the width of such a residential lot”. Lot #1 does not meet this requirement. A waiver was requested for this Section since the lay of the land restricts meeting this requirement. The BOS approved the waiver request at their November 6, 2025 meeting and that waiver note has been added to the Plan as required.
- 16) **Section 100-30.C (Wells) – This Section requires that wells be positioned uphill from any sewage disposal system. A waiver request was received for this Section by letter dated April 17, 2025. David Humenansky explained that because of the position and shape of Lot #1 and the land**

features, it is not possible to position the proposed well uphill of the proposed septic system. However, the well is positioned far enough away with appropriate absorption areas provided so that it should not pose a problem. Discussion was held.

*****Scott Baum made, and Salvatore Liberato seconded, a motion to recommend that the BOS approve the waiver request for Section 100-30.C (Wells) for the Russial Subdivision/Seltzer Annexation Plan. Motion passed unanimously.*****

17) Section 100-31.A, .B, and .C (Grading, Drainage, and Erosion & Sediment Controls) – Grading, drainage, and E&S control plans have been included in the Plan on Sheets 3 and 4 as required.

Under “Stormwater Management / Grading Plan” Comments:

- 1) **Section 305.A.3.b – The impervious area for the driveway is 3,700 square feet. However, the Annual Recharge – Water Budget Approach calculations for the driveway use 1,700 square feet. This discrepancy needs to be clarified. Additionally, the watershed drainage area to Basin #3 must be shown on the Plan. The word “See” is in the I-#3 Basin Box but no text follows the word “See”. This must be revised.**
- 2) **Schuylkill Conservation District approval is required prior to Final Plan approval. This is a Final Plan submission requirement and is not required for Preliminary Plan approval.**

Under “Other Comments”:

- 1) Schuylkill County Planning Commission review has been received by letter dated November 11, 2024.
- 2) Michelle Seltzer’s name had been misspelled in the title on Sheet 1 but has been corrected.
- 3) The phone number for Floyd and Michelle Seltzer was not previously given as complete. Since it is not required, the phone number has been removed completely.

This revised Plan submission has satisfactorily completed all the requirements for a Preliminary Plan submission. The outstanding items are not required for a Preliminary Plan but will be for Final Plan approval. Therefore the P&Z can recommend approval of the Preliminary Plan to the BOS.

*****Jere Moyer made, and Scott Baum seconded, a motion to recommend the Preliminary Plan for the Stephen and Nancy Russial Subdivision/Floyd and Michelle Seltzer Annexation Plan to the BOS for approval. Motion passed unanimously.*****

- 4) **The applicant must submit revised plans to South Manheim Township in response to the above comments. South Manheim Township and SDE reserve the right to make additional comments as a result to plan revisions. The applicant’s engineer must provide a written response to each comment to the Township with their next Plan submission.**

Steven Felty Subdivision Plan

Steven Moyer went over his SDE review letter dated May 12, 2025 (attached). This review letter addresses the outstanding comments contained in the previous review letter dated January 13, 2025 (attached to the January 13, 2025 P&Z meeting minutes).

This is the second review of a Final Plan entitled “Steven Felty Subdivision” prepared for property owners/applicants Franklin Felty III, Steven Felty, Jonathan Felty, and Eric Felty. The Plan was prepared by K. L. Bensinger, Inc. of Orwigsburg, PA. This Plan proposes the subdivision of a 65.1 acre parcel (UPI # 28-8-1) into two (2) lots. Proposed Lot #1 will consist of ten (10) acres. Lot #2 (Residue) will consist of the remaining 55.1 acres. The frontage of Lot #1 is along the southern side of Summer Hill Road (SR 2012) and the western side of West Deer View Drive (T-661). Lot #2 (Residue) is situated to the South of Lot #1 with frontage along the western side of West Deer View Drive (T-661) and the northern side of Fair Road (SR 895). There are no improvements on the parent tract which currently consists of wooded areas and farmland.

Under “Zoning Ordinance Compliance”:

- 1) The subject property is located in the R-Rural and the HC- Highway Commercial Zoning Districts. The intended use of this Plan states “The intent of this Plan is to subdivide lands of Felty. The proposed Lot consists of field and woodland and does not have any water or septic facilities. No septic planning was performed. No new construction is proposed at this time.” The SALDO application previously stated the proposed land use as “a single family dwelling with on-lot water and sewage”. The intended use note has been revised to state, “Lot #1 and the Residue will remain vacant at this time. No septic planning was performed and no new construction is proposed at this time.” **However, the applicant needs to confirm that there are no existing buildings on the Residue parcel.**
- 2) Section 435.01 (Agricultural Nuisance Disclaimer) – Note 18 on the Plan regarding the Agricultural Nuisance Disclaimer has been corrected as required.
- 3) Section 800 (Highway Commercial District) – Since a portion of the property is situated in the HC-Highway Commercial District, the area, yard, coverage and height restrictions found in Section 840 needed to be depicted on the Plan. The required HC-Highway Commercial District information has been added to the Plan as required.
- 4) Section 1028 (Access Driveways) – A PA DOT HOP will be required if/when access to Lot #1 is being made to Summer Hill Road and if/when the Residue Lot #2 is being made to Fair Road. A SMT driveway permit will be required if either Lot will be accessing West Deer View Drive. Note 15 on Sheet 1 now references required permits from either Penn DOT or the Township. A proposed driveway on West Deer View Drive has been relocated closer to Summer Hill Road to allow for better sight distance.

Under “SALDO Compliance”:

- 1) Section 100-22.A.6 (Preliminary Plan Requirements) – The zoning data for the HC-Highway Commercial District has been added to the Plan as required.
- 2) Section 100-22.B.1 (Total Tract Boundaries) – “Total tract boundaries of the property being subdivided or developed showing bearings and distances, with the deed book volume and page number must be shown on the plan”. Kevin Bensinger had argued that surveying the entire Felty Farm was prohibitive and unnecessary and had asked for a waiver of this Section. The BOS approved that waiver at their April 2, 2025 meeting and the waiver note has been added to Sheet 1 of the Plan.
- 3) **Sections 100-22.C.1 and 100-22.C.4 (Proposed Layout) – The residue lot should be renamed “Lot 2” and the intended use of all lots and parcels within the development must be noted on the Plan. Kevin Bensinger stated in an email to SDE and the Township dated April 14, 2025, “Approved waiver allowed Residue label to remain, Lot 2 was not created.” Section 100-22.C.4 of the SALDO requires “A Plan note of the total number of lots and parcels (any residue property shall be included as a separate lot) and the intended use of all lots and parcels within the development.” A waiver has not been requested for this Section. It is Kevin Bensinger’s positions that the BOS granted a waiver for this requirement when they approved the waiver for Section 100-22.B.1 (for the survey of the entire tract boundaries). Mr. Bensinger insisted the Township was splitting hairs with wordage saying this was a “potato/potato comparison” and said he hoped he wouldn’t “have to take it to the Township Solicitor”. He said he cannot label the residue portion Lot #2 because he did not survey it. He asked if it would be acceptable to call the residue piece a “Residue Parcel” instead of labeling it as Lot #2. Steven Moyer said the Ordinance says the lots in a subdivision must be labeled or the applicant must request a waiver. Discussion was held. Mr. Bensinger asked the P&Z if it would be acceptable for him to label the residue portion “Lot 2/Residual Parcel”. The P&Z said that would be acceptable.**
- 4) **Sections 100-22.C.14, 100-23.A.13, and 100-29 (On-Lot Sewage) – The applicant had requested waivers for these three (3) Sections. Within the waiver request it stated that a 10-acre agricultural lot is being subdivided which has prime soils (BeB and BeC) with excellent drainage. The BOS approved the waiver request for Section 100-23.A.13, but denied the waiver request for Section 100-29. Section 100-23.A.13 says that approval of sewer planning module by PA DEP shall be required prior to final plan approval by the municipality. Section**

100-29 requires soil probe and percolation tests be forwarded to DEP as part of the planning module. The Planning Waiver and Non-Building Declaration Note on Sheet 1 depicts the lots as “existing residential”. Mr. Bensinger has consistently represented the lots as being farmland and woodland only, and not used for residential purposes. He has also consistently stated that he feels the property will continue in its’s present state for the foreseeable future. If that is the case, the stated express purpose should be changed from “existing residential” to “agriculture”. Mr. Bensinger said that he would change the designation as required. He also said that Non-Building Declarations were submitted to the Township in November of 2024 so that probe and percolation tests should not be a requirement. Steven Moyer said he was not aware of Non-Building Declarations for this Plan and asked Mr. Bensinger who he had submitted them to. Mr. Bensinger said he had given them to the Township SEO, Wayne Bowen, on November 26, 2024. If the Non-Building Declarations can be found, then possession of those, and Mr. Bensinger changing the properties’ designation from “existing residential” to “agriculture” will fulfill the requirements of this Section.

- 5) **Section 100-23.A.2 (Certification of Ownership) – The Certification of Ownership must be signed and notarized by all property owners prior to Plan recording.**
- 6) Section 100-23.A.4 (Final Plan Requirements/Municipal Endorsements) – The Municipal Endorsement for the Planning Commission has been corrected as required.
- 7) Section 100-27.A.12 (Street Design) – The members had discussed the need for, and agreed that additional right-of-way was not required at their January 13, 2025 P&Z meeting.
- 8) Section 100-27.A.13 (Street Design) – “Where a subdivision or land development abuts or contains an existing street of inadequate horizontal and/or vertical alignment, the Township may require additional right-of-way width or cartway width in order to improve public safety.” The members agreed that no additional right-of-way is necessary.
- 9) Section 100-33.1 (Driveways) – A relocated driveway coming onto West Deer View Drive is now shown, providing adequate sight distances.
- 10) Section 100-40.G (Monuments) – A concrete monument has been set at the new property line along West Deer View Drive as required.

Under “Other Comments”:

- 1) Schuylkill County Planning Commission review was received by the Township by letter dated December 27, 2025.

Therefore, the outstanding items for the Steven Felty Subdivision remain:

- 1) Renaming the residue portion of the property “Lot 2/Residue Parcel”
- 2) Furnishing a copy of the Non-Building Declarations
- 3) Changing the land use designations for the parcels from “existing residential” to “agriculture”

Under New Business:

McMullin Annexation Plan

Steven Moyer went over his SDE review letter dated May 12, 2025 (attached).

This is the first review of a Final Plan entitled “Final Annexation Plan of the Lands of Brett McMullin and Katey McMullin” prepared for property owners/applicants Brett and Katey McMullin. This Plan was prepared by Colonial Surveying and Mapping of Orwigsburg, PA and consists of one (1) Sheet entitled Final Annexation Plan. The submission also included a transmittal letter dated March 27, 2025 from Colonial Surveying and Mapping, a completed Subdivision/Land Development application, current property deeds, a proposed Deed of Annexation for the property, and an Act 247 Municipal Request form. This Plan proposes the annexation of two (2) adjoining lots which are both currently owned by Brett and Katey McMullin. Both lots are situated on the North side of Hill View Drive (T-667), west of Woodland Drive (T-676). Both parcels are lots of records (Lots # 1 and 2) from the Hill View Drive Subdivision which was recorded in Map Book 58, Page 1225 on March 25, 2022. Lot #1 (UPI # 28-6-10(1)) is 3.382 acres in size and currently vacant. The adjacent Lot #2 (UPI #28-6-10(2)) to the West is 2.222 acres in size and also vacant. After annexation, the total Lot size will be 5.604 acres. The Plan

shows a proposed single family dwelling straddling the lot boundary line that currently divides Lots # 1 and 2.

Under “Zoning Ordinance Compliance”:

- 1) This proposal is located in the A-Agriculture Zoning District and, as such, the proposed use of the residential lots is a given use by right.

Under “SALDO Compliance”:

- 1) **Section 100-16.F (Prior Subdivisions) – The final item under the “Survey References” section incorrectly shows “Pine Hill Subdivision” when it should say “Hill View Drive Subdivision”. The waiver approval dates should also be shown as December 5, 2018 and May 5, 2021.**
- 2) Section 100-20.B.1 (Annexation Plans) – The Plan meets the Exemption to Standard Plan Processing Procedures and may be consider an annexation plan. The annexation plan is processed, reviewed, and acted upon in the identical manner as a Final Plan as outlined in Article IV, Section 100-19.
- 3) **Section 100-22.B.4 (Existing Features) – “Location and elevation of the datum to which contour elevations refer; where reasonably practicable, datum used shall be a known, established benchmark.” The datum information required is missing from the Plan.**
- 4) **Section 100-23.A.1 (Total Tract Boundaries) – “The total tract boundaries shall be determined by an accurate survey in the field.” The surveyor should confirm that the boundaries were field surveyed.**

Under “Other Comments”:

- 1) **Schuylkill County Planning Commission review is required prior to Final Plan approval. The Township secretary forwarded a copy of the Plan to the Schuylkill County Planning Commission for review on April 3, 2025.**
- 2) SDE reviewed the Draft Deed of Annexation and found it to be satisfactory.

Plum Creek Municipal Authority Letter – Water Main Replacement Project Grant Application

Township secretary, Kelly Handling, had forwarded an email (attached) she received on April 22, 2025 from the Plum Creek Municipal Authority (PCMA) written by Sydney Jernigan, EIT, of Spotts, Stevens, and McCoy of Reading, PA. On behalf of the PCMA, Mr. Jernigan wrote to ask that the Township P&Z review the Authority’s letter outlining their four (4) submitted grant application to the Pennsylvania Department of Community and Economic Development (DCED) for the purpose of obtaining grant funding under the Commonwealth Financing Authority (CFA)’s “PA Small Water and Sewer Grant Program”. If selected to receive a Grant under this program, PCMA will use the funding to offset costs associated with replacing various sections of the PCMA’s water supply system in the private Lake Wynonah development. The letter specifically asked that the Township P&Z Commission review the grant proposals to determine if they are consistent with the Township’s Comprehensive Plan. Steven Moyer explained the grant application process and what the PCMA was looking for from the P&Z. Discussion was held.

*****Salvatore Liberato made, and Scott Baum seconded, a motion to approve support for the PCMA grant applications, and for P&Z secretary, Lorraine Phillips, to write a letter of expressing their support to the PCMA. Motion passed unanimously.*****

The next Planning and Zoning Commission meeting will be held on Monday, June 9, 2025 beginning at 7:00 P.M.

There being no further business to discuss, upon a motion made by Jere Moyer, and seconded by Scott Baum, the meeting adjourned at 7:41 P.M.

Respectfully Submitted:

Lorraine E. Phillips, Secretary

