

**SOUTH MANHEIM TOWNSHIP  
PLANNING AND ZONING COMMISSION  
April 13, 2026**

The regular meeting of the South Manheim Township Planning and Zoning Commission was held on Monday, April 13, 2026 beginning at 7:00 P.M. Those in attendance were Scott Baum, Tyler Buck, Salvatore Liberato, and Chairman, Greg Wolf. Also in attendance were Greg Mensch, Ronald Smith, Floyd Seltzer, Steven Moyer (ZEO), and Lorraine Phillips, secretary.

Since this was the first meeting of the new year, it was a Reorganization Meeting and a secret ballot vote was held to elect the Chairman and Vice Chairman of the Commission. By a unanimous vote of four (4) – zero (0) counted by secretary Lorraine Phillips, Greg Wolf was elected Chairman and Tyler Buck was elected Vice Chairman.

There were no meetings held in January, February, and March of 2026 due to no business to discuss. The minutes of the December 8, 2025 P&Z meeting were reviewed and unanimously approved on a motion made by Salvatore Liberato and seconded by Tyler Buck.

Because the Ronald Smith Variance Application was just received in the Township Office today, a motion and approval is needed to add it to tonight's agenda.

**\*\*\*Tyler Buck made, and Scott Baum seconded, a motion to add the Ronald Smith Variance Application to tonight's agenda for review. Motion passed unanimously.\*\*\***

There were **four (4)** items of **New Business** on the agenda:

- 1) Gregory and Cynthia Mensch Variance Application
- 2) Ronald Smith Variance Application
- 3) Proposed SALDO Amendment – Lot Annexations
- 4) Proposed SALDO Amendment – Escrow Deposits

**Under New Business:**

**Gregory and Cynthia Mensch Variance Application**

The members are in receipt of an application (attached) from Gregory and Cynthia Mensch requesting a Variance from the South Manheim Township (SMT) Zoning Hearing Board (ZHB) of Section 440 (Page 40 of 131 - Side Yard Setbacks in the Rural Zoning District) of the SMT Zoning Ordinance to erect an "Up-size storage garage for an RV and a pick-up truck" on a 2 acre single-family residential lot located at 129 Aspen Drive in SMT. They are seeking relief of the required thirty foot (30') side yard setback to allow for the construction of the storage garage with only a fifteen foot (15') side yard setback.

The P&Z members went through the provided template for "Zoning Ordinance Section 1100 Zoning Hearing Board, Section 1121 Variances" (attached) to determine whether the request by the Mensches meets the criteria for approval:

- 1) Part 1121.01 – Are there unique physical circumstances or conditions peculiar to the particular property that would inflict an unnecessary hardship on the applicant and that the unnecessary hardship is due to such conditions and not the conditions generally created by the provisions of the Zoning Ordinance. Gregory Mensch was present and tried to explain what happened when his house was originally built in 2004. He claims that the site supervisor, the realtor, and his builder were difficult to work with. He explained the original property lines, and said that he repeatedly spoke with his builder to try to make him understand he needed to leave adequate setback distances so that Mr. Mensch could eventually build a two-car garage on his property sometime in the future. In spite of all his reminders, Mr. Mensch claims that his requests were not heeded and he is now left with no other choice than to seek a Variance to build his desired garage. Discussion was held.

- 2) Part 1121.02 – That because of the physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity to the SMT Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. Scott Baum asked if there was any reason Mr. Mensch could not move his proposed garage over and farther back on his property in order to achieve the required thirty foot setback requirement. On Mr. Mensch's submitted drawing, it appears that there is an appropriate place behind his existing house in a wooded area. Mr. Mensch explained that there is a pool and a pool house (not shown on his drawing submitted with his Variance Application). He would like to connect his proposed garage with his existing pool house and include inside steps from the garage to the pool house so he would not have to walk outside and try to navigate icy steps in the winter. He also claimed that he would have to timber a lot of the trees behind his existing house in order to move the garage further back on his property and then put his driveway all the way back to the garage. He said that repositioning which would inflict huge additional costs on him. He additionally claimed that there is a lot of runoff from rainwater in the back of his property which could be disturbed by removing trees and moving ground. ZEO Steven Moyer noted that there are already existing drainage problems in the Aspen Drive subdivision and pushing the proposed garage farther back on the property could add to or create further problems. Discussion was held.
- 3) Part 1121.03 – That such unnecessary hardship has not been created by the applicant. The P&Z members agreed that the unnecessary hardship had not been created by Mr. Mensch.
- 4) Part 1121.04 – That the Variance, if authorized, will not alter the essential character of the neighborhood, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. It will not.
- 5) Part 1121.05 – That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. Steven Moyer asked if there was any way Mr. Mensch could make the proposed building any smaller than the proposed twenty-six feet (26') wide. Mr. Mensch explained that, because he will be removing an existing shed and shop building and needing the room for storage of the RV and the pick-up truck, the twenty-six feet (26') is already the minimum for his requirements.

**Since Mr. Mensch has shown that his application for a Variance from Section 440 ("Area, Yard, Coverage And Height Regulations" on Page 40 of 131 of the SMT Zoning Ordinance) in the Rural Zoning District of SMT meets all the criteria required in Section 1100 ("Zoning Hearing Board"), Sub-Section 1121 ("Variances"), the members of the P&Z recommend that the SMT ZHB grant Gregory and Cynthia Mensch the Variance they have requested.**

#### **Ronald Smith Variance Application**

The members are in receipt of an application (attached) from Ronald Smith requesting a Variance from the SMT ZHB of Section 240 (Page 32 of 131 - Front Yard Setbacks in the Conservation Zoning District) of the SMT Zoning Ordinance to remove two (2) existing sheds and replace them with a thirty by sixty foot (30' x 60') pole building on a 3.7 acre single-family residential lot located at 988 Bear Creek Road in SMT. Mr. Smith is seeking relief of the required fifty foot (50') front yard setback to allow for the construction of the pole building with only a twenty-five foot (25') front yard setback. The P&Z members went through the provided template for "Zoning Ordinance Section 1100 Zoning Hearing Board, Section 1121 Variances" (attached) to determine whether the request by Mr. Smith meets the criteria for approval:

- 1) Part 1121.01 – Are there unique physical circumstances or conditions peculiar to the particular property that would inflict an unnecessary hardship on the applicant and that the unnecessary hardship is due to such conditions and not the conditions generally created by the provisions of the Zoning Ordinance. The members reviewed the drawing of Mr. Smith's property in his application. It was the consensus of opinion that, given the existing buildings, features, and lay of the land, Mr. Smith has no other place to put his proposed pole building.

- 2) Part 1121.02 – That because of the physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity to the SMT Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. Again, because of existing buildings, features, and lay of the land, Mr. Smith has no other options for placement of his proposed pole building.
- 3) Part 1121.03 – That such unnecessary hardship has not been created by the applicant. The P&Z members agreed that the unnecessary hardship has not been created by Mr. Smith.
- 4) Part 1121.04 – That the Variance, if authorized, will not alter the essential character of the neighborhood, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. It will not.
- 5) Part 1121.5 – That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. Steven Moyer pointed out that Mr. Smith has submitted a text book case for granting of a Variance by the ZHB.

**Since Mr. Smith has shown that his application for a Variance from Section 240 (“Area, Yard, Coverage And Height Regulations” on Page 32 of 131 of the SMT Zoning Ordinance) in the Conservation Zoning District of SMT meets all the criteria required in Section 1100 (“Zoning Hearing Board”), Sub-Section 1121 (“Variances”), the members of the P&Z recommend that the SMT ZHB grant Ronald Smith the Variance he has requested.**

#### **Proposed SALDO Amendment – Lot Annexations**

The members are in receipt of a proposed amendment to the SMT Subdivision and Land Development Ordinance (SALDO) entitled “AN ORDINANCE AMENDING CHAPTER 100 (SUBDIVISION AND LAND DEVELOPMENT ORDINANCE) TO SIMPLIFY LOT ANNEXATION PLANS, ELIMINATE PLANNING COMMISSION REVIEW, AUTHORIZE ADMINISTRATIVE APPROVAL, AND REPEAL ORDINANCE 96-2020 TO THE EXTENT INCONSISTENT HEREWITH” prepared and submitted by SMT Solicitor Shane Hobbs (attached). As written, this proposed annexation amendment does not seem to simplify or reduce anything now required in the SALDO. In fact, it actually contains many of the same requirements of the current Ordinance 96-2020.

Discussion was held and several comments were noted:

- 1) Under Section B (Lot Annexation) #5 (Review Procedure) it says that (A) “The submission shall be reviewed by: (1) Township Engineer, and (2) Township Solicitor”, yet no where does it have any mention of a review period/time frame. There has to be some sort of a time period noted, otherwise the process can go on forever with no oversight or, the opposite, and not allow enough time for an appropriate review by those designated. At the very minimum, there needs to be at least two (2) weeks allowed for review by the Township engineer.
- 2) No where does it mention how many copies need to be provided to the Township. There must be at least seven (7) copies (for review and filing purposes).
- 3) No where does it say anything about plans being signed. Plans/Deeds must be signed in order to be recorded at the court house.
- 4) No where does it say anything about the differences between a Partial and a Complete Annexation. The differences between the two must be addressed.
- 5) No where does it mention a review fee for the required review by the Township engineer or the Township solicitor. It is highly unlikely that the Township residents as a whole would be willing to cover the costs of an engineer or solicitor reviewing a private individual’s annexation plan with their tax dollars. Since this proposed amendment would be eliminating the Planning Commission review, resident’s tax dollars should not be used for a private review of any plans/deeds by the Township engineer or solicitor.
- 6) Although this proposed amendment cites repeal of Ordinance No. 96-2020, it does not reference the actual SALDO Section 100-20.B (Annexation Plans) in relation to Ordinance 96-2020.

- 7) No where does it mention that at least one (1) of the lots to be annexed has to be undeveloped prior to annexation. Two (2) lots each containing principal structures cannot be annexed. That stipulation must be included in any proposed amendment.
- 8) The above items must be considered to some degree and Steven Moyer may have other items for consideration.

If the whole purpose of this proposed amendment is to simply streamline the annexation process and lower the costs, the bottom line would seem to be to simply rewrite the deeds for the properties being annexed into one and file that consolidated deed. However, this proposed amendment does not provide any guidance or provisions for such a proposal. Instead, it presents requirements very similar to our current Ordinance 96, including, for example, Item #4 (Submission Requirements) which states:

“The applicant shall submit:

- 1) A plan prepared and sealed by a Pennsylvania licensed surveyor or engineer showing:
  - a) Existing and proposed boundaries
  - b) Bearings and distances
  - c) Acreage before and after
  - d) Adjoining owners
  - e) Rights of way and easements
- 2) Draft deed(s) of annexation
- 3) Application and fee as established by resolution”

All of those items listed above are requirements of the current Ordinance 96.

The proposed amendment also does not address the fact that a consolidated deed could only be done if the annexation was a Complete Annexation. Consolidated deeds would not be at all applicable to Partial Annexations.

If the purpose of an amendment is to, in fact, “simplify” the annexation process, this proposed amendment does not accomplish that purpose. The recommendation of the P&Z would be that the Township Solicitor sit down with the Township ZEO, Steven Moyer (who will be able to provide significant input aimed toward achievement of that stated goal) to efficiently and practically develop an appropriate simplified Annexation Ordinance.

### **Proposed SALDO Amendment – Escrow Deposits**

The members are in receipt of a proposed amendment to the SMT SALDO Chapter 100 entitled “AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTH MANHEIM TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING CHAPTER 100 (SUBDIVISION AND LAND DEVELOPMENT ORDINANCE) TO PROVIDE RELIEF FROM EXCESSIVE ESCROW DEPOSIT REQUIREMENTS FOR INDIVIDUAL LOT OWNERS SEEKING TO CONSTRUCT A SINGLE RESIDENTIAL DWELLING” prepared and submitted by SMT Solicitor Shane Hobbs (attached). Currently, there is no provision for escrow accounts in any section of the SALDO. This appears to be an attempt at a new addition to Article III (Administration and Enforcement on Page 17 of the SALDO) under Section 100-9 (Fees). It first states “Section 100-9.1 – Individual Residential Construction Escrow Alternative, A. Purpose: The purpose of this section is to reduce unnecessary financial burdens on individual lot owners seeking to construct a single-family dwelling while ensuring that stormwater management, erosion control, and other municipal requirements are satisfied and properly implemented.” The proposal would appear to include this statement in the “FEES” section of the SALDO that was established in March of 2020. The question is whether the intent of this proposal is to change the fee requirements. It’s purpose is not clear.

Section 1 continues under Part “B. Applicability” which states that “This Section shall apply to:

- 1) Construction of one single-family dwelling on an existing lot of record. (This statement has nothing to do with the SALDO.)
- 2) Where the proposed construction does not involve subdivision or land development creating multiple lots or dwelling units. (If it is not a subdivision or land development, why would such a proposal be included in the SALDO?)

- 3) Where the total disturbed area is less than one (1) acre, unless otherwise required by state law. (SMT does not get involved with land pieces less than one (1) acre. There are County, State, and DEP regulations that would apply there.)


Additionally, Part "C. Reduced Escrow Requirement" appears to establish "fees" with relation to escrow accounts that are not applicable under the SALDO.

The members of the P&Z agree that this proposed amendment/ordinance as written does not apply to any purpose of the current Township SALDO, nor does it fall under any SALDO standards. When an individual comes to Steven Moyer to obtain a Building Permit, everything addressed in this amendment/ordinance proposal would be covered under the building permit process. Therefore, this proposed amendment/ordinance would seem to be unnecessary.

The next Planning and Zoning Commission meeting will be held on Monday, May 11, 2026 beginning at 7:00 P.M.

There being no further business to discuss, upon a motion made by Scott Baum, and seconded by Salvatore Liberato, the meeting adjourned at 8:39 P.M.

Respectfully Submitted:



Lorraine E. Phillips, Secretary