

ZONING HEARING BOARD: DECEMBER 13, 2016
LANCASTER PIKE LP

The Providence Township Zoning Hearing Board meeting was held on Tuesday evening, December 13, 2016, at 7:00 pm, in the township municipal office. Members present were James Hess, Albert Warfel and Anna Hipple. Connie Peiffer, Secretary/Zoning Officer, Brenda Pardun, court reporter, Tom Goodman, solicitor to the Board, and fourteen (14) observers were also present.

Mr. Hess brought the meeting to order at 7:00 pm and introduced the Board members and Mr. Goodman. Mr. Goodman stated the first hearing, out of four (4) to be heard tonight, was for Lancaster Pike LP. The zoning officer, Constance Peiffer, was sworn in by the court reporter and presented testimony on the Proof of Publication (marked as ZHB #1), which showed the hearings being advertised in the Lancaster Newspapers on November 28, 2016 and December 5, 2016. The listing of surrounding property owners notified of the hearing was marked as ZHB #2. Mrs. Peiffer also testified the property had been properly posted. Mr. Frank Vargish, Frank Nolt and Mike Saxinger, were present to represent Lancaster Pike LP. Mr. Saxinger was sworn in. Mike Saxinger presented a color site plan (marked as App. Ex. #1) showing the proposed development of 804 Lancaster Pike. The property is zoned commercial and there is an existing car dealership on the property. Mr. Saxinger pointed out the new service area, service drop off location and the parking spaces. A black and white site plan was labeled Applicants #2. A poster showing the elevation of the proposed new structure was labeled as App. Ex. #3. Another elevation poster was marked as App. Ex. #4. The landscape plan was marked as App. Ex. #5. One of the requested variances is for Lot Coverage, Section 205.5.5. The proposed development would represent a 61% lot coverage. Variances were requested for Illumination Levels, Section 310.6.2, Hours of Outdoor Lighting, Section 310.6.7 and Security Lighting, Section 310.6.8. The applicants would like to have the new lighting to be the same as what is there now. Frank Nolt was sworn in and explained the anticipated flow of cars. Another variance request is for the Location of Light Poles in the Side Yard, Section 310.6.7. The plan proposes one light pole within the side yard.

Mr. Saxinger went on to explain the remaining variance requests, as follows: Landscaping and Screening Requirements/Loading Areas, Section 312.11; Loading Area Markings, Section 312.12; Landscaping and Screening Requirements for Parking Lots, Section 313.18; Side and Rear Yard Landscape Strips, Section 318.18.2; Interior Landscaping Requirements for Parking Lot, Section 313.18.3; Required Landscape Plan, Section 320; and Landscaping Requirements to Include Shrubs and Trees, Among Other Materials, Section 320.3. All regular access to the property would be from Route 272. The location of the parking was further shown and discussed. Mr. Nolt explained why they were consolidating all the car dealerships on one property. Mr. Saxinger explained briefly the proposed storm water management for the development.

Mr. Goodman asked if anyone present had any questions or comments. No one indicated any response. Mr. Vargish moved to admit the exhibits as part of the record. This was acceptable to the Board. Mr. Hess made a motion to close the testimony. Ms. Hipple seconded the motion and it was carried unanimously. Mr. Hess made a motion, seconded by Ms. Hipple, to continue the hearing until January 10, 2017, at which time a decision would be announced. The motion was carried unanimously. The hearing was adjourned at 7:44 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

James Hess, Vice Chairman

Constance Peiffer, Secretary

Albert Warfel, Member

Anna Hipple, Alternate Member

ZONING HEARING BOARD: 12/13/2016

**MILLERSVILLE UNIVERSITY
MIGRANT EDUCATION PROGRAM**

The Board reconvened at 7:45 pm to hear the request for Millersville University, Migrant Education Program, for the granting of a special exception to allow a training/education center for migrant farmworkers and their children at 2381 Beaver Valley Pike. The property is zoned Suburban Residential R-3 and is owned by Richard and Julia Bradley. Mrs. Peiffer gave testimony on the Proof of Publication (ZHB Ex. #1) and the posting of the properties. The listing of the surrounding property owners who received notice of the hearing was marked ZHB Ex. #2.

Mark Martin and Damaso Albino Jr. were sworn in to present testimony on behalf of the applicant. Mr. Albino presented a pamphlet of papers, to correspond with the power point to be presented. This pamphlet was marked as App. Ex. #1. Mr. Albino explained the program, which is funded with federal funds. The program is to provide supplemental educational and life skill services to migrant workers and their children, up to age 21. Mr. Albino presented a power point presentation, further explaining the program. After the power point, Mr. Albino stated the detached structure located at 2381 Beaver Valley Pike would be utilized as a satellite location of the program for the southern end of Lancaster County. The program would be operated Monday through Saturday, with evening hours also. Mr. Albino testified that the maximum number of students at the location at one time would be ten (10). After the power point presentation the Board and Mr. Goodman had some questions for Mr. Albino.

Shirley Tayler, 2371 Beaver Valley Pike, was present and had questions for the applicant. Richard Rankin, 2403 Beaver Valley Pike also had questions on the proposed use. There being no further questions, Shirley Taylor made a statement under oath that she did not favor the granting of the use within the residential location. She presented a petition, signed by 23 people in opposition to the use at the proposed location. The petition was marked as an exhibit. Richard Rankin expressed his opposition to the location of the educational center at 2381 Beaver Valley Pike, stating he felt there were more appropriate locations available. Mr. Rankin suggested working with the school district further. Eleanor Groff, 2377 Beaver Valley Pike, also expressed an opposition to the use in that the structure for the proposed use seemed too small and a dissatisfaction with the use in the evening.

Mr. Hess then made a motion to close testimony for the hearing. Mr. Warfel seconded the motion and it was carried unanimously. Mr. Hess made a motion to continue the hearing until January 10, 2017, at which time a decision would be announced. Mr. Warfel seconded this motion and it was carried unanimously. The hearing was adjourned at 8:30 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

James Hess, Vice Chairman

Constance Peiffer, Secretary

Albert Warfel, Member

Anna Hipple, Alternate Member

**ZONING HEARING BOARD: 12/13/2016
BENJAMIN T. ESCH**

The Board reconvened for the third hearing for applicant Benjamin T. Esch, 48 Woods Drive, at 8:31 pm. Mr. Goodman was not present for this hearing. Mr. Esch was requesting a use variance to allow the construction of a detached office/lunchroom structure for the existing lumber business at 48 Woods Drive. The property is zoned Agricultural. Mrs. Peiffer testified the hearing had been legally advertised in the Lancaster Newspapers on November 28th and December 5, 2016. The property had been properly posted. An Entry of Appearance form had been completed by Mr. Esch. Mr. Esch affirmed to tell the truth.

Mr. Esch testified there is an existing lumber business at 48 Woods Drive. He has eight (8) employees. The building he would like to build would be detached from the other buildings and would be used for an office and a lunchroom for his employees. The Board had a few questions for Mr. Esch.

At the conclusion of any questions and comments, Ms. Hipple made a motion to grant the request to allow the construction of the detached office/lunchroom structure, with the following conditions: a. The applicant shall at all times comply with and adhere to the evidence presented to the Board including, but not limited to, the plans, materials and testimony submitted at the hearing, b. The applicant must obtain all other permits, licenses, and approvals pursuant to any and all applicable federal, state and local laws, rules and regulations, c. Any violation of the conditions contained in this decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Zoning Ordinance and the Municipalities Planning Code and d. This Decision shall bind the applicant, his heirs, successors, grantees and assigns. Mr. Warfel seconded the motion and it was carried unanimously. The hearing was adjourned at 8:36 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

James Hess, Vice Chairman

Constance Peiffer, Secretary

Albert Warfel, Member

Anna Hipple, Alternate Member

**ZONING HEARING BOARD: 12/13/16
CLAYTON HOMES**

The Board reconvened at 8:38 to hear the request for Clayton Homes for a special exception to allow the replacement of a manufactured dwelling at 942A Buck Road. The property is owned by Charles and Dawn McMullen and it is zoned Industrial. Craig Baratz was present to represent Clayton Homes. Mr. Baratz was sworn in.

Mrs. Peiffer testified the hearing had been legally advertised in the Lancaster Newspapers on November 28th and December 5, 2016. The property had been properly posted. An Entry of Appearance form had been completed by Mr. Baratz. Mr. Baratz stated Clayton Homes wanted to replace an existing 24' x 50' manufactured home at 942A Buck Road with a new 28' x 56' manufactured home. Because the property is zoned Industrial, the granting of a special exception to replace and enlarge a non-conforming use is required.

There are currently no violations pertaining to the property. The property is now owned by Charles and Dawn McMullen and they have no objections to the new home being located on the property.

There being no further questions or comments, a motion was made by Ms. Hipple and seconded by Mr. Warfel to grant the special exception to allow the replacement of a manufactured dwelling at 942A Buck Road, with the following conditions: a. The applicant shall at all times comply with and adhere to the evidence presented to the Board including, but not limited to, the plans, materials and testimony submitted at the hearing, b. The applicant must obtain all other permits, licenses, and approvals pursuant to any and all applicable federal, state and local laws, rules and regulations, c. Any violation of the conditions contained in this decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Zoning Ordinance and the Municipalities Planning Code and d. This Decision shall bind the applicant, his heirs, successors, grantees and assigns. The motion was carried unanimously. The hearing was adjourned at 8:44 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

James Hess, Vice Chairman

Albert Warfel, Member

Anna Hipple, Alternate Member

Constance Peiffer, Secretary