

**ZONING HEARING BOARD: JUNE 14, 2016**  
**AMOS K. ESH JR.**

The Providence Township Zoning Hearing Board meeting was held on Tuesday evening, June 14, 2016, in the Township Municipal office. Members present were Ralph DuBree, James Hess, and Bradford Duvall. Alternate member Anna Hipple was also in attendance in the audience. Tom Goodman, solicitor, Connie Peiffer, Secretary/Zoning Officer, Melissa Anderson, court reporter, and twenty-six (26) observers were also present.

Mr. Duvall introduced the Board members. Mr. Duvall then announced the first hearing was for Amos K. Esh on a request for a special exception to allow a building supply store at 748 Truce Road. Several variance requests are also to be addressed, pertaining to certain design requirements. The property is zoned Commercial.

Mr. Duvall proceeded to make an announcement to the audience that this hearing would be the last one for member Ralph DuBree. Mr. DuBree has been serving the township in positions for forty years. He will be moving out of the township, so he will no longer be a member of the Zoning Hearing Board. Mr. Duvall expressed his appreciation to Mr. DuBree for his years of valuable service. Mr. Duvall then turned the procedure over to solicitor Tom Goodman

Mrs. Peiffer was sworn in. The proof of publication for the hearing was labeled ZHB Exhibit #1 and the notice of the hearing to the adjoining property owners was marked as ZHB #2. Mrs. Peiffer also testified the property had been properly posted. Mr. Nicholas Gard was present to represent Amos Esh. Mr. Esh affirmed to tell the truth. Mr. Gard asked Mr. Esh a series of questions. Mr. Esh testified he is requesting to locate a building supply store at 748 Truce Road. The size would be approximately 30,000 square feet. A site plan presented by Strausser Engineering and M L Saxinger was marked as Applicant Ex. #1. Mr. Esh described the nature of his business. Mr. Esh said there would be proposed outside storage area for trusses. There would be some retail sales. Ninety percent (90%) of the business is wholesale building supplies. There may be approximately four (4) tractor trailers coming in per week. There would be 2 or 3 trucks going out once or twice a day. The proposed hours are 6 am to 5 pm. Mr. Esh is anticipating having four (4) fulltime employees and some part-time employees. The noise was discussed. Mr. Esh stated most activity will be behind the proposed building. Mr. Gard stated a home improvement and building supply store is a special exception in the commercial district, as per Section 205.4.9. That section references Section 439 with special criteria. Mr. Gard discussed that criteria with Mr. Esh. Mr. Goodman had several questions about the surrounding properties. There would be one entrance/exit off of Truce Road, a state road. The property is 12.2 acres. The ZHB members had several questions for Mr. Esh. There will be electric and on-site water and sewer.

Anna Hipple, 85 Mt. Airy Road, asked how far off Truce Road the building would be. Mr. Esh stated approximately 300' back from the road. Mr. John Schick, from Rettew Associates, presented a traffic analysis memorandum, marked as Appl. Ex. #2. Mr. Schick explained the findings at length. All exhibits were made part of the record. The following people present had questions: Joyce Hoffman, Marvin Kreider and David Gerhart.

Craig Williams, a project manager from Strausser Surveying, was sworn in. Mr. Williams explained the variances requested, as follows: Section 205.6.4, residential buffer strip, 205.12, landscaping, 205.15, outdoor storage, 310.6.2, illumination levels, 312.3, surfacing and 313.18.3, interior landscaping. Mr. Williams explained storm water management information. Mr. Gard discussed the general criteria for a special exception, as per Section 604.3.2, with Mr. Williams. The following people had questions for Mr. Williams: Carl Hess, Shelly Rannels, John Walton, and Joyce Hoffman. Statements were made by Marvin Kreider and Joyce Hoffman.

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Mr. Duvall made a motion to close testimony. The motion was seconded by Mr. Hess and carried unanimously. Mr. Goodman announced that unless someone had objections, Ms. Hipple would be consulted in the decision, as Mr. DuBree will be moved out of the township by July 12, 2016. There were no objections expressed. Mr. Hess made a motion to continue the hearing until July 12, 2016, at which time a decision would be rendered, with no further testimony being accepted. Mr. Duvall seconded the motion and it was carried unanimously. The hearing was adjourned at 8:41 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Bradford D. Duvall, Chairman

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James D. Hess, Vice Chairman

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Ralph DuBree, Member

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Constance Peiffer, Secretary

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Anna Hipple, Alternate Member

**ZONING HEARING BOARD: 6/14/2016**  
**JOHN M. ESH**

The hearing for John M. Esh was called to order at 8:50 pm by the chairman, Mr. Duvall. Mrs. Peiffer testified on the proof of publication, which was marked as Zoning Hearing Board Exhibit #1 and made a part of the record. A list of adjoining property owners who received notice of the hearing was marked and entered into the record as ZHB Exhibit No. 2. Mrs. Peiffer testified the property had been properly posted. Craig Williams, from Strausser Engineering, was present to represent Mr. Esh. Mr. Williams was sworn in. Mr. Williams presented the deed for the property at 54 Cinder Road and it was marked as Applicant Exhibit #1. A second deed for an adjacent property owned by Mr. Esh was marked and entered as App. Ex. #2. The Plan to Accompany a Zoning Hearing Board Application for John Esh was marked and entered as Applicant Ext. #3. Mr. Williams presented a revised version of the plan than was originally sent with the application. This revised plan (App. Ex. #3) was marked with a sticker.

Mr. Esh purchased both properties recently. Mr. Esh started to remove railroad ties and fill in several ponds on the property without any permits. The original variance requests were for Sections 3.02 and 2.02 of the Providence Township Floodplain Ordinance. The application was amended on May 23, 2016 to include a variance of Section 321.7 of the Township Zoning Ordinance of 2014. Mr. Esh wants to farm the property. Mr. Williams presented a stop work order, dated April 18, 2016, which was marked as Appl. Ex. No. 4. Mr. Esh started work on some of the ponds on the property without obtaining the proper permits. The property is primarily in flood plain area. An enforcement notice, dated April 25, 2016, was marked as Appl. Ex. No. 5. The Zoning Hearing Board application for John M. Esh and his agent John Coldiron, was marked as Appl. Ex. No. 6. Mr. Williams explained the extent of improvements and changes Mr. Esh would like to do on the property. A set of calculation of cubic feet expected to be removed from the property was marked as Appl. Ex. No. 7. Mr. Esh calculated he would remove approximately 7,860 cubic feet of material. Some areas of disturbance are outside of the flood plain.

A review letter from the township engineer, Mark Deimler, from Solanco Engineering, commenting on the proposed earth disturbance was marked as Township Ex. No. 1. John Esh affirmed to tell the truth. Mr. Esh stated the remaining ponds will remain ponds and no fill will be brought in. Mr. Williams gave a detailed explanation of the proposed work to be done on the property. The requirements of the flood plain ordinance were reviewed. All of the exhibits were made part of the record.

Wade Conrad, 106 Main Street, expressed concerns for his property with flooding issues that may result from the proposed improvements to be made by Mr. Esh on his adjacent property.

Mrs. Peiffer explained the variance process, as it is now outlined in the new flood plain ordinance. The question of whether the township engineer, Mark Deimler, should review the new information presented at the hearing was discussed. It was decided Mr. Deimler was not to review that new information. Mrs. Peiffer also pointed out Section 8.02.F of the flood plain ordinance.

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**JOHN M. ESH**

Mr. Hess then made a motion to close the testimony. Mr. Duvall seconded the motion and it was carried unanimously. Mr. Duvall made a motion to continue the hearing until the next month, on July 12<sup>th</sup>, at which time a decision would be announced. Mr. Hess seconded the motion and it was carried unanimously. The hearing was adjourned at 9:45 pm.

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Bradford D. Duvall, Chairman

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James D. Hess, Vice Chairman

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Ralph DuBree, Member

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Constance Peiffer, Secretary

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Anna Hipple, Alternate Member