

**ZONING HEARING BOARD: 09/11/2012**  
**QUARRYVILLE BOROUGH AUTHORITY**

The Providence Township Zoning Hearing Board meeting was held on Tuesday evening, September 11, 2012, in the Township Municipal office. Members present were Ralph DuBree, Bradford Duvall and James Hess. Also present were Connie Peiffer, Zoning Officer & Secretary, William Schall and Gregory Collins, Township Supervisors, Melissa Anderson, court reporter, Tom Goodman, solicitor for the Board, and twenty-six observers.

The meeting was brought to order by the Chairman, Mr. DuBree at 7:00 p.m. Mr. DuBree stated the first hearing was a special exception for the Quarryville Borough Authority, pertaining to the location of a retaining wall within the Flood Plain District. The Authority was also requesting a variance from the requirements for reclassification, as per Section 508.4.E of the Township Zoning Ordinance. Mr. DuBree introduced the Board. Mrs. Peiffer was sworn in by the court reporter. Mrs. Peiffer stated the hearing had been legally advertised in the Lancaster Newspapers on August 26, 2012 and September 2, 2012, with proof of publication being on display. The proof of publication was labeled as ZHB Exhibit No. 1. The property had been properly posted. An Entry of Appearance form had been completed by Josele Cleary, attorney for the Quarryville Borough Authority.

Ms. Cleary stated the Authority had been before the Zoning Hearing Board approximately a year ago and received multiple approvals for the expansion of the Quarryville Sewage Treatment plant, located at 2350 Old Road. The property is zoned Industrial and Flood Plain Overlay District. At this time, the Authority is seeking approval of a special exception to allow the location of a retaining wall within the Flood Plain District. The necessity of the retaining wall was only recently discovered, during the storm water planning process. Mr. Goodman entered into the record the August 10, 2011 ZHB decision as ZHB Exhibit No. 2. Ms. Cleary introduced her first witness, Jared Hockenberry. Mr. Hockenberry was sworn in by the court reporter. Mr. Hockenberry's resume was entered into the record as Applicant's Exhibit No. 1. A plan by CET Engineering Services, showing the location of the Flood Plain and the proposed retaining wall was entered as Applicant's Exhibit No. 2. A motion was made by Mr. Hess and seconded by Mr. DuBree to recognize Mr. Hockenberry as an expert witness. The motion was carried unanimously. Mr. Hockenberry gave detailed testimony describing the proposed addition to the existing sewage treatment plant and the proposed retaining wall. A letter from RAV Associates, stating the Quarryville WWTP plan is consistent with the floodplain section of the zoning ordinance, dated August 23, 2012, was entered as Applicant's Exhibit No. 3. A letter from RAV Associates, stating the Quarryville WWTP plan is consistent with the Township Floodplain Ordinance, dated September 10, 2012, was entered as Applicant's Exhibit No. 4. Mr. Hockenberry explained some of the other approvals and permits the Authority must obtain for this project.

The Board had several questions for Mr. Hockenberry. The proposed wall is to be four (4) feet high. Mr. Hockenberry explained the purpose of the wall.

Galen Trout, 2344 Beaver Valley Pike, had a question on whether this wall will alter the course of the creek. Mr. Trout came forward and was provided with a copy of the plan. James Heinle, representing Joseph Nadu Jr., requested party status and was granted that status. Mr. Nadu has a residential development proposed, which will be served with public sewer from this expansion of the Quarryville plant. Gregory Collins had some questions on the impact of the wall on the Flood Plain.

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Mr. Trout was sworn in by the court reporter. Mr. Trout stated he does not feel there will be any road damage related to this proposed expansion.

Mr. Hess then made a motion to grant a special exception to allow the location of the proposed retaining wall, pursuant to Section 508.4.E of the Zoning Ordinance and to grant a variance of the requirement for reclassification of the property, as pursuant to the same Section. A time extension was also granted for two years from the date of August 10, 2011 to obtain permits and three years from August 10, 2011 to complete construction. The motion included the following conditions: A. The applicant must comply with his plans and promises as presented to the Zoning Hearing Board, B. The applicant shall obtain the necessary zoning permits from the Zoning Officer, C. The applicant shall comply with all applicable laws, rules, regulations and ordinances and shall obtain all necessary permits and approvals from the Commonwealth of Pennsylvania, D. A violation of any of the conditions contained in this Decision shall be considered a violation of the Ordinance and shall be subject to the penalties and remedies contained in the Ordinance and the PA Municipality Planning Code and E. This Decision shall bind the applicant, its successors, grantees and assigns. The motion was seconded by Mr. Duvall and carried unanimously. The hearing was adjourned at 7:31 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Ralph L. DuBree, Chairman

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Bradford D. Duvall, Vice Chairman

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James D. Hess, Member

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Constance Peiffer, Secretary

**ZONING HEARING BOARD: 09/11/2012  
FREDERICK STEUDLER**

The meeting was reconvened to order by the Chairman, Mr. DuBree, at 7:34 p.m. Mr. DuBree announced the next hearing for the evening was a variance request for Frederick Steudler. The request pertains to the location of a water supply structure within the Tamarack Mobile Home Park. Mrs. Peiffer stated the hearing had been legally advertised in the Lancaster Newspapers on August 26, 2012 and September 2, 2012, with proof of publication being on display. The property had been properly posted. An Entry of Appearance form had been completed by Frederick Steudler, indicating he was appearing on his own behalf.

Mr. Steudler was sworn in by the court reporter. The property being addressed in the request contains two mobile home parks: Tamarack and Spread Eagle Village. The property is located on Route 272, Lancaster Pike. The property is zoned Rural. Mr. Goodman requested the prior Zoning Hearing Board decision, dated January 9, 2007, be made part of the record and marked as ZHB Exhibit No. 2. Mr. Goodman requested the application for the hearing, completed by Mr. Steudler, be marked as Applicant's Exhibit No. 1 and made a part of the record.

Mr. Steudler wants to replace the existing water treatment facility with a new structure and facility. Mr. Steudler's request is to approve a variance to allow that new facility to be located as close as ten (10) feet from the mobile home park boundary line. The Township Mobile Home Park Ordinance requires a setback for such a structure to be fifty (50) feet. The site plan accompanying the request was marked as Applicant's Exhibit No. 2 and made a part of the record. Mr. Steudler explained the site plan. The schematic drawings of the structure were reviewed. These drawings were marked as Applicant's Exhibit No. 3. Mr. Steudler explained the drop off of the land and slope involved if the structure would be located at the required 50' setback line.

The Board had several questions for Mr. Steudler. Mr. Steudler explained the water treatment and storage system inside the proposed structure. The D.E.P. will regulate, inspect and monitor the water treatment system. This water will supply the two mobile home parks only. Connie Peiffer, Zoning Officer, asked for clarification of the proposed location of the structure. Mr. Steudler stated the closest point of the structure would be the concrete slab and that slab would be ten (10) feet from the park boundary line. No one in attendance had any questions or comments.

Mr. Duvall made a motion to grant the variance request to allow the location of a new water treatment structure within the Tamarack Mobile Home Park property as close as, but no closer than, ten (10) feet from the mobile home park boundary line, with the following conditions: A. The applicant must comply with his plans and promises as presented to the Zoning Hearing Board, B. The applicant shall obtain the necessary zoning permits from the Zoning Officer, C. The applicant shall comply with all applicable laws, rules, regulations and ordinances and shall obtain all necessary permits and approvals from the Commonwealth of Pennsylvania, D. A violation of any of the conditions contained in this Decision shall be considered a violation of the Ordinance and shall be subject to the penalties and remedies contained in the Ordinance and the PA Municipality Planning Code and E. This Decision shall bind the applicant, its successors, grantees and assigns. The motion was seconded by Mr. Hess and was carried unanimously.

**FREDERICK STEUDLER**

There being no further discussion, the hearing was adjourned at 7:53 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Ralph L. DuBree, Chairman

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Bradford D. Duvall, Vice Chairman

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James D. Hess, Member

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Constance Peiffer, Secretary

Mr. DuBree reconvened the meeting at 7:56 p.m. to hear the special exception request for Joseph Nadu Jr. to allow the construction of twenty (20) townhouses at 470 Fairview Road. Mrs. Peiffer stated the hearing had been legally advertised in the Lancaster Newspapers on August 26, 2012 and September 2, 2012, with proof of publication being on display. The property had been properly posted. An Entry of Appearance form had been completed by James Heinly, attorney, indicating he was appearing on behalf of Mr. Nadu, who was also present at the hearing.

The following people requested party status: William Shaffer; 39 Ridge Road, Carl Faix; 420 Fairview Road, Korleen Calkins; 416 Fairview Road, Eric Waller; 426 Fairview Road, David Hess; 37 Ridge Road, Barry Longenecker; 315 Fairview Road and Patrick Devery, Lancaster, Pa. There were no objections to any of these people being granted party status.

Mr. Heinly explained the request is for the granting of a special exception to allow the construction of twenty (20) townhouses on property identified as 470 Fairview Road. These townhouses would be part of a proposed development, known as Creekside. Mr. Heinly presented a preliminary plan showing the overall view of the proposed subdivision. This plan was marked as Applicant's Exhibit No. 1. A large scale plan showing the layout of the proposed units was marked as Applicant's Exhibit No. 2. Mr. Heinly called Patrick Devery as his first witness. Mr. Devery was sworn in by the court reporter. After review, a motion was made by Mr. Hess and seconded by Mr. Duvall to recognize Mr. Devery as an expert witness. The motion was carried unanimously. Mr. Devery testified to various aspects and facts, pertaining to the proposed subdivision plan, known as Creekside. Mr. Devery stated all dimensional requirements and area requirements of the Township Zoning Ordinance have been met by the proposal. Each townhouse will have a two car garage. The townhouses are all off of a proposed street named Meadowbrook Court. The general standards for a special exception, Section 703 of the Zoning Ordinance, were reviewed.

Mr. Nadu was sworn in by the court reporter. Mr. Nadu stated the townhouses would be individually owned and have public sewer and water supplied to them. The townhouses would not be identical in appearance. There was a traffic study done, in conjunction with the subdivision submittal. There are sidewalks proposed on one side of the streets. Currently, there are 232 units proposed in the subdivision. The property is 94+ acres.

Carl Faix, William Shaffer, Korleen Calkins, Meredith Faix and Barry Longenecker had questions for the applicant. The questions concerned, but were not limited to, the following subjects: water supply, public sewer, traffic study, lighting, environmental issues and the storm water facilities. Mr. Nadu stated there will be a Homeowners Association formed. Mr. Goodman stated some of the questions were issues to be addressed during the planning procedure and were issues of compliance with the Township Subdivision Ordinance.

William Shaffer was sworn in by the court reporter and stated he would like the Board to delay their decision on this request. Mr. Longenecker, Julius Goslin and Ms. Calkins also were sworn in and stated they would like the decision to be delayed. Mr. Heinly had a short closing statement.

Mr. Hess then made a motion, seconded by Mr. Duvall, to close testimony on the hearing. The motion was carried unanimously. A motion was made by Mr. Hess to continue the hearing until October 9, 2012, at which time the decision would be made on the request. No further testimony, questions or comments will be taken at that time. The motion was seconded by Mr. Duvall and was carried unanimously. The hearing was adjourned at 9:07 p.m.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

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Ralph L. DuBree, Chairman

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Bradford D. Duvall, Vice Chairman

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James D. Hess, Member

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Constance Peiffer, Secretary