

ZONING HEARING BOARD: January 9, 2018

Glenda Perry Use Variance

The Providence Township Zoning Hearing Board was held on Tuesday evening, January 9, at 7:00 p.m., in the township municipal office. Members present were James Hess, Bradford Duvall and Albert Warfel. Thomas Goodman, Zoning Hearing Board Counsel, Heidi Martinez, Secretary/Zoning Officer, Melissa Anderson, court reporter, Vicki Eldridge, Township Manager and forty eight (48) observers were also present.

Mr. Hess brought the meeting to order at 7:00 pm and the first order of business was the election of officers for the year 2018. Mr. Hess nominated Bradford Duvall as the chairman and Albert Warfel as the vice chairman. Mr. Warfel seconded the motion and it was carried unanimously. Mr. Hess then turned the hearing over to Mr. Duvall. Mr. Duvall stated there are two hearings this evening. The first hearing is for an appeal, interpretation of the zoning ordinance and a use variance to allow the installation of a small flow treatment facility with the new treatment tank 20' from the top of the bank and 30' from the stream at 218 Snyder Hollow Road. The property is owned by Glenda Perry and is zoned Rural Residential (R1) and Floodplain Protection Overlay. Mr. Duvall turned the hearing over to Mr. Goodman. Zoning Officer, Heidi Martinez was sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on December 24, 2017 and December 31, 2017 with proof of publication being displayed and marked as ZHB Ex. #1. A list of adjoining property owners who were sent notice of the hearing was confirmed by Mrs. Martinez and marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted.

Gregory Marshall, from Environmental Design Service, was sworn in by the court reporter. Mr. Marshall is an Environmental consultant who was contracted by Charles and Glenda Perry. Charles Perry and Glenda Perry were sworn in by the court reporter. Upon questioning from Mr. Goodman, Mrs. Perry confirmed the address and Mrs. Martinez confirmed that it is in the R-1 zoning district and Floodplain Protection Overlay. The property has 2.2 acres which contains a dwelling, garage and a wood shed. Mr. Marshall confirmed it is a small flow wastewater treatment system discharging into Huber Run. Mr. Marshall stated that he was contacted by Mr. and Mrs. Perry in July of 2017 to help them with their septic system problem. After visiting the site and speaking to Marvin Stoner, Sewage Enforcement Officer, it was determined that a stream discharge system be installed. Mr. Marshall submitted a planning module on October 23, 2017 and it was returned due to incompleteness along with a letter from Constance Peiffer, Zoning Officer at the time. The letter was marked as App. Ex. #1. Mr. Marshall first requests an appeal of the Zoning Officer's determination that sewage systems and their components are even subject to zoning review. If the appeal is denied, the applicants' would like to request a variance of section 321.7 of the Zoning Ordinance and 4.01B of the Floodplain Ordinance. Mr. Marshall stated the existing septic tank is 12' from the edge of the bank and the proposed new tank will be 20' from the top of the bank, as per App. Ex. #2, App. Ex. #3, and App. Ex. #4. App. Ex. #5 shows the location of the existing well. The existing system will be removed or filled in. Mr. Marshall stated there will be a maintenance agreement for the system between the property owner and the township.

Upon questioning from the Zoning Hearing Board members, Mr. Perry stated there was an issue with the septic system so they contacted Mr. Marshall and Marvin Stoner, Sewage Enforcement Officer. Mrs. Perry rented an outhouse for six (6) months and has lived at the property for over twenty (20) years. The system is sized for three (3) bedrooms. The system is inspected yearly by the contracted service provider. Mr. Goodman stated the permitted uses in the floodplain protection overlay. Mrs. Martinez stated there are no special exceptions in the floodplain protection overlay since the amended zoning ordinance in September 2017.

There were public questions. Harriet Penchansky, 2444 Butter Road, Lancaster, PA 17601, who is an adjoining property owner on Snyder Hollow Road asked about odor from the new system. J. Pepper Goslin, 64 Snyder Hollow Road, asked about the UV light system and the life span.

There were no public statements.

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Mr. Duvall made a motion to grant the variance from the requirements of Section 321.7.2 of the Ordinance, with the following conditions:

- a. The Applicant shall comply with her plans and promises as presented to the Zoning Hearing Board.
- b. The Applicant shall obtain any necessary approvals and permits from the Pennsylvania Department of Environmental Protection.
- c. A violation of any of the conditions of this Decision shall constitute a violation of the Ordinance.
- d. This Decision shall bind the Applicant, her heirs, successors, grantees and assigns.

Mr. Hess seconded the motion and it was carried unanimously. The hearing was adjourned at 7:32 pm.

PROVIDENCE TOWNSHIP ZONING HEARING BOARD

Heidi Martinez, Secretary

Bradford Duvall, Chairman

Albert Warfel, Vice Chairman

James Hess, Member

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Cornerstone Retreat
Special Exception

At 7:34 p.m. Mr. Duvall introduced the second hearing, a special exception for a use not provided for to allow a residential facility for the care of the aged or infirm at 585 Pennsy Road. The property is owned by Lawrence Max Stout, Angela Ann Stout, Therin Keith Stout and Laura Zirpolo Stout and is zoned agricultural.

Mr. Duvall turned the hearing over to Mr. Goodman. Upon questioning from Mr. Goodman, Mrs. Martinez confirmed the hearing had been legally advertised in the Lancaster Newspapers on December 24, 2017 and December 31, 2017 with proof of publication being displayed and marked as ZHB Ex. #1. A list of adjoining property owners who were sent notice of the hearing was confirmed by Mrs. Martinez and marked as ZHB Ex. #2. Mrs. Martinez confirmed that the property was properly posted.

Nicholas Gard, ESQ., from Smoker Gard Associates, representing Cornerstone Retreat stated the request is asking for a special exception under Section 106, Use Not Provided For. Cornerstone Retreat operates a health and wellness center at 585 Pennsy Road since April 2012. The property was used in a similar fashion prior to. There were complaints from neighbors that led to a meeting with Township staff. Craig Williams, Strausser Surveying and Engineering, Larry Stout, property owner and Christ Beiler, Cornerstone Retreat Administrator, were affirmed by the court reporter. Mr. Gard questioned Mr. Stout regarding the property. Mr. Stout's parents bought the property at 585 Pennsy Road in 1975. Mr. Stout's brother had health issues that were resolved by a nutritionist. After that Mr. Stout's mother became a nutritionist working mostly with the plain sect community. Mr. Stout stated the property has three (3) acres, owned by him and his brother and has a lease with Cornerstone Retreat.

Mr. Gard questioned Mr. Williams regarding how he became involved in the application. Mr. Williams stated there was a fact finding meeting with Township staff. Mr. Williams read the definition of the residential facility for the care of the aged or infirm. Mr. Williams stated the situation with the neighbors, the sewage system paperwork and the building code would need to be addressed. Mr. Gard questioned Mr. Williams regarding compliance with Section 604.4 for a use not provided for. Mr. Williams stated two (2) events caused issues with neighbors; Cornerstone Retreat encourages the members use the rail trail and the phone privileges were being abused. These issues caused disruption to neighbors, so policies and guidelines have been revised. Mr. Williams stated the camper is being removed and there is no floodplain on the property. Mr. Goodman asked what structures are located on the property. The plan to accompany a zoning hearing board application prepared by Strausser Surveying & Engineering dated December 13, 2017 was marked as App. Ex. #1. Mr. Stout said there are two main structures on the property; the main structure and a building for storage and office space. The buildings have been there for thirty (30) years with no recent additions. The project narrative submitted by Strausser Surveying & Engineering, Inc. dated December 13, 2017 was submitted and marked as App. Ex. #2. Meeting notes from the October 25, 2017 meeting provided from the township to the Zoning Hearing Board was given to Mr. Gard to review and with no objection from Mr. Gard were marked Twp. Ex. #1.

Upon questioning from the Zoning Hearing Board members, Mr. Williams stated the property is not being used any other way. Mr. Williams deferred the question regarding how many members to Mr. Beiler.

There were questions from the public for Mr. Williams. Kanah Kreider, 588 Pennsy Road, asked about the septic system whether it will be in addition to the new system that was just put in. The DEP approval can take up to a year. Virginia Daddiego, 581 Pennsy Road, where is the septic system now. The septic system is in the back, the old system is in the front; however sewage can be sent to both systems. John Schroeder, 17 Solar Drive, asked if someone lives there as a resident and if Mr. Stout simply leases the property.

Mr. Gard questioned Mr. Beiler in regards to his position at Cornerstone Retreat. Mr. Beiler is the administrator; he oversees the day to day operations. Mr. Beiler stated the clinical director is responsible for the treatment part.

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Mr. Beiler stated the affiliation with the Old Order Amish Church and in order to get services at the facility the member go under the 1963 Confession of Faith. Mr. Beiler stated there is a medical doctor that works with them for prescriptions and medical diagnosis. A registered nurse does the IV therapy. Mr. Beiler stated there are house parents there twenty four (24) hours a day. Mr. Beiler stated the most boarders allowed are eight (8). Other care includes walk-ins and appointments. The average per week is 20-30. The hours are Monday through Friday 8 a.m. to 5 p.m. and Saturdays 8 a.m. through 12 p.m. Services on Sunday for emergencies only. Mr. Beiler stated there are church services every two (2) weeks and classes every week. Mr. Beiler addressed the complaints from neighbors regarding the phone policy and walking to the rail trail. Future complaints would be addressed by Mr. Beiler.

Upon questioning from the Zoning Hearing Board members, Mr. Beiler stated the therapies used are natural, chiropractic, massage, water massage bed and a hyperbaric oxygen chamber. Mr. Beiler confirmed the licensed medical staff is English and Cornerstone Retreat is not regulated by the Federal or State governments. Mr. Gard confirmed the medical staff is regulated by their licenses. Patients are any age and of the plain sect community. Mr. Beiler stated there is a psychiatrist for mental illness patients. Mr. Beiler stated that Dr. Nick D’Orazio is the licensed medical doctor with a practice in Strasburg. Mr. Beiler stated the needles are the only disposal waste and currently they are just thrown in the trash. Mr. Duvall stated the purpose of the board is for safety and security of the Providence Township residents. Mr. Beiler stated eight (8) residents would be sufficient and the residents can be transported to the hospital.

Mr. Goodman opened the hearing to public questions of Mr. Beiler. Virginia Daddiego, 581 Pennsy Road, asked if there are mentally ill people there, porch enclosed and why they were on her property. Mr. Gard stated the applicant is willing to work with the neighbors. Mark Kreider, 588 Pennsy Road, had a question regarding the traffic because of multiple cars, UPS, FedEx and Four Seasons trucks. Mr. Williams stated the applicant would be interested in improving the driveway. Zachary Applebach, 592 Pennsy Road, questioned the term grandfathered in and the biohazard material. John Schroeder, 17 Solar Drive, asked if they would be willing to put up a security fence and how many accidents have occurred there in the last five (5) years. Mr. Kreider, not the same facility and it has grown in the last five (5) years. Mrs. Kreider questioned about the mail order business.

There were multiple public statements. Kanah Kreider, 588 Pennsy Road, was sworn in by the court reporter, is concerned about the fire calls and disgruntled members. Mrs. Kreider stated the members have told her that they are locked in the facility at night and the phones are turned off. Jonas Esch, 170 Truce Road, was affirmed by the court reporter, appreciates Cornerstone Retreat being there and it is valuable to the community. Jesse Esch, 121 Pennsy Road, was affirmed by the court reporter, commends Cornerstone Retreat and recognizes it has grown and the problems will be addressed.

Mr. Duvall made a motion to close testimony. Mr. Warfel seconded the motion and the motion was carried unanimously. Mr. Duvall made a motion to continue the hearing until February 13, 2018 to render a decision with no more testimony being heard. Mr. Warfel seconded the motion and the motion carried unanimously. The hearing was adjourned at 8:59 p.m.

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