

**WEST HEMPFIELD TOWNSHIP
3401 MARIETTA AVENUE
LANCASTER, PA 17601**

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
June 10, 2014**

The West Hempfield Township Zoning Hearing Board met in the meeting room of the West Hempfield Township Building at 3401 Marietta Avenue, Lancaster, PA, on Tuesday, June 10, 2014. Gary Lintner called the meeting to order at 7:30 P.M. Board members Daryl Peck and Tony Crocamo were also present, along with Rhonda Adams, Court Reporter; Jodi Heffner, Zoning Officer; Julie Miller, Solicitor; and Darlene Diffenderfer, Recording Secretary.

Approval of Minutes

Motion: Daryl Peck moved, seconded by Tony Crocamo to approve the minutes of the meeting held May 13, 2014 as presented. Carried 3-0.

Case 1187 – St. Mary Coptic Orthodox Church (continued)

Mr. Lintner stated that a letter was received from the applicant dated June 5, 2014 requesting that their case before the Board be postponed to the meeting of the Board scheduled for July 8, 2014. The letter also stated that the applicant waived the time frame for scheduling hearings set forth in Section 908 of the MPC until July 9, 2014.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to submit the letter dated June 5, 2014 as Applicant Exhibit #5. Carried 3-0.

Case 1189 – St. Anne's Retirement Community

This application was submitted by St. Anne's Retirement Community, Inc., 3952 Columbia Avenue, Columbia, PA for a series of variances to allow expansion of the Continuing Care Retirement Community, zoned R-3. The original application requested 17 variances, but a revised application was submitted before the hearing which removed nine of the variance requests. The remaining variances requested are as follows:

- 1) Section 701.8 – variance to permit more than one principal building on a lot and comply with setback requirements.
- 2) Section 703.1.H – variance to extend Conditional Use Approval to 5 years to complete construction instead of 2 years from date of approval and requested authority be given to the Board of Supervisors to extend approval beyond the 5 years if necessary
- 3) Section 703.8.B.2 – variance to provide less than the required 40% Common Open Space and design per Article 1206
- 4) Section 703.8.B.4 – variance to allow four of the principal structures to be less than 75 feet from southern property line
- 5) Section 703.8.B.5.b – variance to permit more than one principal building on a lot while complying with setback requirements per Section 703.8.C.3
- 6) Section 703.8.C.1 – variance to allow a net density of 3.2 DU/AC for existing property with 3.0 required

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- 7) Section 703.8.C.5 – a variance to allow a structure with more than two habitable stories to be less than 100 feet from property line and a variance to allow three apartment buildings to exceed 45 feet in height
- 8) Section 1005.4.G – variance to extend approvals to 5 years for completion of construction instead of 2 years from date of approval with request that authority be given to the Board of Supervisors to extend approvals beyond 5 years if necessary.

Jill E. Nagy, Esquire, 200 Spring Ridge Drive, Suite 202, Wyomissing, PA was present to represent the applicant.

Josele Cleary, solicitor for the Township, was also present and stated, for the record, that the Township was not opposed to the revised application submitted by the applicant as long as certain conditions were imposed.

Ms. Nagy presented a document of fifteen proposed conditions for the application of Saint Anne's Home and submitted it as Applicant Exhibit #1. Ms. Cleary stated that she had reviewed this document and the Township was in agreement with the proposed conditions.

The following persons were present and were all sworn to provide testimony: 1) Cheryl L. Love, ELA Group, Inc., 743 South Broad Street, Lititz, PA; 2) Brent Good, ELA Group, Inc.; 3) Mark L. Henise, ELA Group, Inc.; 4) Michelle Bard, St. Anne's Home; 5) Mary Turnbull, President of St. Anne's Home; and 6) Joseph Donaldson, 55 Jackson Drive, Lancaster, PA. Mr. Donaldson stated he was affiliated with Lancaster General Hospital.

Ms. Nagy submitted resumes of the ELA witnesses as Applicant Exhibit #2 as evidence of their expertise.

Ms. Nagy reviewed the nine variances that were removed from the application and stated they all related to the original plan which proposed single family detached dwellings. She stated the revised plan has removed the proposed detached dwellings and replaced them with proposed semi-detached dwellings. She stated the revised plan proposes 34 new single-family semi-detached dwelling units (duplex cottages) and 72 new multiple family dwelling units within three apartment buildings.

Ms. Turnbull provided background information about St. Anne's Retirement Community. She stated the organization has existed since 1926 and is a non-profit, faith based continuing care retirement community. She stated they are governed by a Board of Trustees and are sponsored by the Adorers of the Blood of Christ. She stated they provide skilled nursing, personal care nursing, and apartments and cottages. She stated they also provide training facilities for nursing students from Harrisburg Area Community College and area Vo-Tech schools.

Ms. Bard stated that the St. Anne's Community serves the middle income population and needs to expand their facilities to meet the needs of the community and sustain their existing skilled unit. She stated they have one of the largest skilled capacities in the County while their independent unit is one of the smallest. She stated they also need to expand to maintain competition with other facilities and to remain viable. She added that they currently have an extensive waiting list for apartments and independent living cottages.

Ms. Bard stated the apartments would be rental fee based and the cottages would have an entrance fee and is basically a long-term lease. She stated there would be no transfer of real estate to purchasers/residents, and that all units would be owned and maintained by St. Anne's.

Ms. Nagy pointed out that one of the proposed conditions for approval is that all real estate continues to be owned by St. Anne's Retirement Community.

Ms. Love of ELA Group submitted Applicant Exhibit #3 which is a colored rendering of the overall site plan of the St. Anne's property and shows all existing structures, parking, roads and landscaping as well as the proposed new structures, new parking, new roads and new landscaping. The plan also shows existing trees and landscaping which buffer the St. Anne's property from neighboring properties on the east and west sides.

Ms. Love stated the overall site is 52.75 acres with the proposed new expansion covering 21 acres. She described neighboring properties to the north as commercial, properties to the east as residential, and mostly undevelopable property to the south which is currently owned by the Adorers of the Blood of Christ. She stated that it is approximately 560 feet to the nearest residence on the south side of the property. Ms. Love added that there is a cell tower and sewage transfer station to the west as well as vacant land also currently owned by the Sisters of the Adorers of the Blood of Christ.

Ms. Love stated that the applicant has received capacity approvals for both public sewer and public water.

Ms. Love stated there are limitations on the site because of steep slopes on the northern end, the western end and all across the southern end of the property. She stated the steep slopes surround a knob along a ridge which is where the new construction is proposed. She added they are also limited by a 30 foot right-of-way owned by the City of Lancaster for a water main which bisects the southern portion of the site. She stated there are restrictions about changing the grade of the property in this area.

Ms. Love stated the proposed new private streets will connect with the stub ends of existing private streets in the existing village of duplex cottages.

Ms. Nagy submitted a group of nine drawings as Applicant Exhibit #4. Ms. Love referred to page 6, which is a Grading and Drainage Plan, to further describe the topography of the site. Ms. Love stated the proposed semi-detached structures within the project are of several different styles to allow them to fit into the slope of the land. She added the proposed apartment buildings will be added in three phases and will all have the same layout with 24 apartments in each of the three buildings.

Ms. Love added that the applicant will meet all parking requirements for each separate area. She stated the 34 semi-detached units require 46 spaces with 124 spaces proposed. She also stated that the 72 apartments require 96 spaces and 106 will be provided.

At this time, Mr. Henise of ELA reviewed the prepared traffic study. He stated the study considered traffic at three intersections of the property with Columbia Avenue from 7 AM to 9 AM and 4 PM to 6 PM and there was no change from the predevelopment conditions to the post development conditions. Ms. Nagy submitted an executive summary of the traffic study as Applicant Exhibit #5. It was noted that no new intersections with Columbia Avenue are proposed in the project.

Ms. Love submitted Applicant Exhibit #6 which is a colored photoboard showing photographs taken from Maria Lane in St. Anne's Village. She indicated the photographs in the top row show the area to the east, and the existing structures shown are within the Village area. Ms. Love stated the photos in the middle row show the neighboring properties to the east and southeast and the photos in the bottom row show the water easement, the undevelopable land and Locust Grove Road. She stated that none of the vegetation in any of the photographs will be changed by the proposed new construction.

Ms. Love stated that the first variance requested is to Section 701.8 to allow more than one principal building on a lot. She referenced sheet 5 of Applicant Exhibit #4, and stated there are no plans to subdivide the site into smaller lots, but they have placed hypothetical lot lines and yard setbacks around the proposed cottages and apartments to show where setback requirements are met. She stated duplex cottages 21, 22, 23 and 24 as well as the Phase 2 apartment building will not meet the required setbacks, making this variance necessary.

Ms. Love stated the applicant also requests a second variance to Section 703.1.H to allow up to five years to complete construction of units from the date of Conditional Use approval instead of two years and that authority be given to the Board of Supervisors to extend the Conditional Use approval beyond the five years, if necessary. She stated they plan to install all utility infrastructure, internal private access drives, and the parking lots for the project at one time, but the individual building units for cottages and the apartments will be built as market demand dictates. She added that, in conjunction with this variance, they also request a third variance to Section 1005.4.G to allow up to five years for completion of construction instead of two years from the date of approval of the variance by the Zoning Hearing Board, and that authority be given to the Board of Supervisors to extend approval beyond five years, if necessary. Ms. Cleary stated that the Township does not oppose extending approval beyond five years to complete the project.

The fourth variance requested is to Section 703.8.B.2 to allow less than the required 40% Common Open Space. Ms. Love stated the required 40% open space would be 21.1 acres, but the proposed project will provide only 13.02 acres based on the additional design standards in Section 1206. Ms. Love referred to sheet 7 and sheet 8 of Applicant Exhibit #4 to show areas of open space that technically meet the Ordinance. She stated the actual green space on the site will be 66%, but open space as described in the Ordinance will be only 24.68%.

The fifth variance requested is to Section 703.8.B.4 to allow four of the proposed semi-detached units, specifically units 21, 22, 23, and 24, to be less than 75 feet from the southern property line. She referred to sheet 5 of Applicant Exhibit #4 for this request. She stated that the water main right-of-way is in close proximity to these units and limits the available space in this area of the site.

The sixth variance requested is to Section 703.8.B.5.b to allow more than one principal structure on a lot. Ms. Love stated this variance relates to the variance for Section 701.8.

Ms. Love stated the seventh variance requested is to Section 703.8.C.1 to allow a maximum density of 3.2 dwelling units per acre, exceeding the maximum density of 3 units per acre permitted by the Ordinance. It was determined the applicant would have to eliminate 10.5 units to meet the maximum density of 3.0. It was also determined that the existing facilities are at 1.21 units per acre.

The eighth variance requested is to Section 703.8.C.5 to allow the three apartment buildings to exceed the maximum building height of 45 feet and to allow the Phase 2 apartment building to be only 75 feet from the southern property line rather than the required 100 feet. It was noted that the nearest residential properties from the southern property line is approximately 540 feet and the nearest to the east is 240 feet with a landscape buffer between those properties and the proposed new buildings at St. Anne's.

Ms. Love submitted Applicant Exhibit #7 which is the last page of the narrative submitted with the application showing the cross section of the apartment buildings. This exhibit indicates that Apartment Building 1 and 2 will need a height variance of 10 feet and Apartment Building 3 will need a height variance of 8 feet.

Mr. Lintner indicated that he would not be ready to make a decision for this case at this hearing. Mr. Peck indicated he would appreciate time to review testimony given, the conditions and to clarify setback requirements. Discussion followed as to whether or not testimony should remain open, and it was determined it should remain open so questions from the Board could be addressed.

Ms. Miller requested that the applicant provide the extent of the setback variance requested for Section 703.8.B.4 for the four cottage units shown as buildings 21-24 on Applicant's Exhibit No. 3. Ms. Love stated that the greatest variance would be 43 feet for unit 24 and the least variance would be four feet for unit 21. Ms. Cleary suggested that, at the next meeting, the applicant provide specific measurements and variances requested for each of the four units.

Ms. Nagy moved that all of the applicant exhibits be entered into the record.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to accept applicant exhibits 1 through 7 into the record. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to continue Case 1189 to a special meeting of the Zoning Hearing Board to be held in the meeting room at the Township Building on June 24, 2014 at 7:30 PM with testimony remaining open. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to continue the meeting of June 10, 2014 to the special meeting to be held June 24, 2014 to hear Case 1190 and Case 1191 as listed on the agenda. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Daryl S. Peck
Secretary

