

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD**  
**Minutes of May 12, 2020**

The West Hempfield Township Zoning Hearing Board met on Tuesday May 12, 2020 in the meeting room of the West Hempfield Township Municipal Building at 3476 Marietta Avenue, Lancaster, PA, and remotely via Zoom videoconference. Board members Gary Lintner, Daryl Peck, Carl Manelius and Ciro Gambone attended in person, and Board Member David Lounsbury and Solicitor Bernadette Hohenadel participated remotely via Zoom. Also, in attendance were Zoning Officer Dwayne Steager, Recording Secretary Judy Carrier, a Court Stenographer, and Township Manager Andrew Stern. Members of the public were invited to attend and participate in person or via videoconference.

**Call to Order**

The meeting was called to order by Gary Lintner at 7:30 p.m.

**Swearing in of Ciro Gambone and David Lounsbury as Board Members** – Chairman Lintner announced that this is the first five-member Zoning Hearing Board meeting. Mr. Ciro Gambone and Mr. David Lounsbury were expeditiously sworn in before tonight’s meeting and were welcomed to the Board.

**Approval of Minutes – March 10, 2020**

**Motion** was made by Carl Manelius and seconded by Daryl Peck, to *approve* the minutes as presented for the meeting held March 10, 2020. Motion carried (3-0-2). Messrs. Gambone and Lounsbury abstained as they were not members of the Board on March 10, 2020.

**Case 1296**

Applicant: Cumberland Farms (60 day 5/18/20)  
Owner: TH Minit Markets LLC  
Description: Request for a Special Exception Section 705.2c,  
Request for a Variance Section 403.2, for a proposed  
Burger King to be co-located with Turkey Hill.  
Location: 3570 Marietta Ave., Columbia PA  
Zone: TV 1.8 acres/78,408 sq. ft.

The Applicant, Cumberland Farms, is seeking a special exception pursuant to Section 705.2c of the Zoning Ordinance to change the non-conforming use of the existing bank drive thru on the property at 3570 Marietta Avenue, Columbia, PA to a different non-conforming restaurant use with drive thru service. In the alternative, the applicant is seeking a variance from Section 403.2 of the Zoning Ordinance to allow a restaurant (Burger King) with drive thru service.

Township Solicitor Bernadette Hohenadel opened the Hearing, and explained the purpose and procedures. Dwayne Steager, Zoning Officer, affirmed the property was posted prior to the Hearing on May 4, 2020 and the Hearing was advertised on April 28, 2020 and May 5, 2020 in the Lancaster Newspapers and also on the front door of the West Hempfield Township Municipal Building. Attorney Christopher J. Hartman, representing the Applicant, Cumberland Farms, introduced Matthew Mack, Mack Engineering, Inc. to provide testimony on behalf of the Applicant. The Board had no objections and Mr. Mack was sworn in as an Expert Witness. A court stenographer was present to record testimony, and the stenographic transcript will be the

official record of the Hearing. Following testimony and there being no further comments or questions, Attorney Hartman asked that the Applicant's exhibits be accepted as part of the record and that testimony be closed. Mr. Steager confirmed that three (3) exhibits were marked and entered into the record. **Motion** was made by Daryl Peck to *accept* the three (3) exhibits provided by the Applicant for Case 1296 and that the record be *closed*. Second was made by Carl Manelius. The motion carried unanimously (5-0).

➤ **Action Taken :**

**Motion** was made by Carl Manelius and seconded by Daryl Peck to *grant* a Special Exception pursuant to Section 705.2c of the Zoning Ordinance to allow the substitution from the existing non-conforming bank/drive-thru use to a different non-conforming use as a restaurant with a drive-thru service for property at 3570 Marietta Avenue, Columbia, PA, with the conditions that the hours of operation be 6 :00 a.m. to midnight, and the parking will be addressed in the land development stage. Everything else will be as testified to in this proceeding. The motion passed (4-1), with Daryl Peck voting nay.

Solicitor Hohenadel informed that in light of the approval of the requested relief for Special Exception Section 705.2c, the alternative requested relief listed for the Hearing was not required. The Board agreed and the applicant confirmed their understanding. Attorney Hartman thanked the Board for their attention and for conducting business under these extraordinary conditions.

**Case 1297**

Applicant: Taylor Chip (60 day +ext. 5/19/20+ 60 7/18/20)  
Owner: Grace Investment Holdings LP  
Description: Requests for variances Sections 401.2, 707.4 for a proposed  
Manufacturing and retail facility.  
Location: 119 Broad Street, Landisville, PA  
Zone: C-1 .36 acres/15,682 sq. ft.

The applicant, Taylor Chip, a tenant of Grace Investment Holding, LP at 119 Broad Street, Landisville PA, is seeking approvals required to establish a bakery and creamery facility with associated retail/restaurant outlet, all within the former retail space within the building. As a result of the nature of bakery/creamery operation and the parking needs, the applicant is requesting variances for Use and Off-Street Parking.

Township Solicitor Bernadette Hohenadel opened the Hearing, and explained the purpose and procedures. Dwayne Steager, Zoning Officer, affirmed the property was posted prior to the Hearing on May 4 and advertised in the Lancaster Newspapers on April 28 and May 5 and also on April 30 on the front door of the Municipal Building. John Mateyak was present representing the Applicant. Also present were Doug Taylor, Owner, Taylor Chip; Sara Taylor, Owner, Taylor Chip; and Mark Diffenderfer, Manheim. All those testifying and those wishing to become parties to the proceeding were sworn in. A court stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing. After all testimony was heard and questions from the Board were answered, the floor was opened to those present who wished to ask questions of the applicant and/or make comments pertaining to the variances being

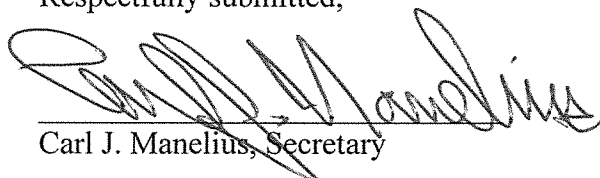
requested. After all questions and comments were heard, a brief (15-minute) recess was taken by the Board to confer with counsel regarding a legal issue relating to the application. Upon their return, Mr. Steager confirmed that Applicant one (1) exhibit was marked and entered into the record. **Motion** was made by Daryl Peck, seconded by Carl Manelius that applicant exhibit one (1) be ***accepted and entered*** into the record. The motion carried (5-0). There being no further comments or questions (Board or Public), **motion** was made by Daryl Peck and seconded by Ciro Gambone to ***close*** testimony for Case 1297. The motion carried (5-0).

➤ **Action Taken :**

**Motion** was made by Daryl Peck and seconded by David Lounsbury to ***deny*** the Request for variance to Section 401.2 for a proposed Manufacturing and retail facility at property located at 119 Broad Street, Landisville, PA. The motion passed (5-0). Due to denial of the Request for Variance Section 401.2, the Request for Variance Section 707.4 was not required.

There being no further business to come before the Board, the meeting was unanimously ***adjourned*** at 10:06 p.m. by **motion** of Daryl Peck and second by Carl Manelius.

Respectfully submitted,

  
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Carl J. Manelius, Secretary