

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

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
February 9, 2016**

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, February 9, 2016. Gary Lintner called the meeting to order at 7:30 P.M. Board members Daryl Peck and Tony Crocamo were also present, along with Bernadette Hohenadel, Solicitor; Amanda L. Longmore, Court Reporter; Jodi Heffner, Zoning Officer; and Marsha Beamenderfer, Recording Secretary.

Minutes

Gary Lintner discussed a few points of correction to the January 2016 minutes and all the corrections were made.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to approve the minutes as amended for the meeting held January 12, 2016. Carried 3-0.

Case 1220-John S. Forry (continued)

The first case was the continuation of Case 1220 and Mr. John Forry for the property located at 1510 Silver Spring Road, Mount Joy which he co-owns with his brother, James S. Forry. The testimony was left open at last month's meeting. Mr. Lintner questioned Mr. Forry as to whether he had any further testimony. Mr. Forry stated that they have made the decision to make an 8 acre subdivision to the north to be sold off and a 7.7 acre plot which would be the parent tract. Mr. Lintner stated that in light of what Mr. Forry indicated will be the subdivided part, now the Board must decide on the size of the variance as a necessary item so that the 8 acre subdivision can happen.

Mr. Crocamo asked whether the first order of business would be to amend the application to reflect one lot being 8 acres and the other lot being 7.7 acres. Mr. Forry corrected the application, initialed it and dated it. Mr. Lintner said that if the Board were to grant a variance of 5 acres this would allow the maximum variance for a proposed commercial use of the subdivided lot. He then asked if the lot is sold for a residential use, would that require a prospective owner to come back before the Board? Ms. Hohenadel stated yes. Mr. Lintner asked what if the Board were to grant a variance of 6 acres to allow for a residential use but then a church wants to purchase the property? Ms. Hohenadel stated that the Board could not quantify the variance specifically but could quantify it as an "up to" amount, the maximum being 6 acres.

Mr. Peck questioned whether they were dealing with one property. Ms. Hohenadel explained that they are taking an existing lot which is non-conforming and creating two lots, both of which are non-conforming. She also stated that there can be no more subdivision of the lots. If a potential buyer would want to further subdivide, he may have to seek Conditional Use approval or deal with other potential zoning issues such as setbacks, depending on what the buyer is looking to do. However, the buyer would not have to come back before the Board regarding lot size.

Motion: Tony Crocamo moved, seconded by Gary Lintner, that in Case 1220 to grant a variance from Section 301.3.A.7 to permit the subdivision of the 15.7 acres into two lots, a northern rectangular lot of 8 acres with a variance of up to 6 acres and a southern L-shaped lot of 7.7 acres with a variance of up to 5.7 acres. Motion carried 2-1. Tony Crocamo and Gary Lintner - yes; Daryl Peck - no.

Case 1221-Tom Snyder-755 Kinderhook Road. Columbia

Mr. Snyder was sworn in to provide testimony. He is seeking relief from Section 301.3.A.1 to build a small residential two-story home on the lot at 755 Kinderhook Road, Columbia. There was a mobile home on the lot which was removed because it was in total disrepair.

Mr. Lintner asked Mr. Snyder to give a brief history of the property. Mr. Snyder said he grew up in the area and always admired this particular lot and if it ever came up for sale, he wanted to purchase it and build a home there. There is existing sewer and existing water on the property that are in good shape. However, the sewer needed work so he had Steve Koser put

in new tanks and the sewer is now up to code. There is also electric service on the property. Mr. Snyder stated that the foundation is cracked due to trees growing into the walls and therefore is unrepairable. He said it is a beautiful lot with a beautiful view toward Mount Gretna.

Mr. Lintner asked when the lot was created and Mr. Snyder said 1970, which is when the foundation and the mobile home were placed on the lot and the previous owner lived there for many years. Mr. Lintner asked about the two sketches that were included in this meeting's packet and why each one shows different measurements for the lot. One sketch is a map Mr. Snyder obtained from the Lancaster County Courthouse showing the lot measurements. The other is a drawing from the previous owner, John Seward, which is not as accurate as the Courthouse document. The Courthouse map, a GIS aerial photograph of the property, was marked as Applicant Exhibit A-1. Mr. Peck asked what the size of the lot is and Mr. Snyder stated that it is a little over .5 acre. Ms. Heffner said the lot size is listed as .5 acres on the GIS system.

Mr. Peck asked Mr. Snyder to describe the surrounding properties. Mr. Snyder stated that if a person is facing the property, both sides are open farmland. Behind the property about 300 to 400 feet back is an old wooden residential structure and that property owner has about 10+ acres which forms a "U" shape surrounding Mr. Snyder's property. Looking at the GIS map, Mr. Peck asked about other residential properties and those properties' sizes. Mr. Snyder stated that the properties on Marietta Avenue are small, mobile home-sized houses and the properties on Kinderhook Road are also small. The largest home is a couple thousand feet back from Mr. Snyder's property.

Ms. Hohenadel questioned when the mobile home was torn down and Mr. Snyder stated that he tore down the mobile home himself near the end of 2015. The lot was pre-existing with a home on it and a foundation with 10' basement walls. Mr. Lintner asked if it has on-lot septic and on-lot water and also asked if Mr. Snyder had information about whether Marv Stoner had been contacted in regard to the repair work and septic tank replacement on the property. Mr. Lintner asked if anything had been done to the drain field itself as far as testing it or probing it to find out how extensive it is. Mr. Snyder stated that Mr. Koser did all the work for him and he said the system was up to code and should pass with no problems.

Mr. Lintner stated there is a stipulation that the well and the septic system must be 100 feet apart and the one photo (which indicates an inaccurate lot size) shows that it is only 85 feet to the tanks. He wondered if the Zoning Ordinance actually spells out "tanks" or "drain field" because it only references septic. Ms. Hohenadel said that because this photograph of the lot has been deemed inaccurate, the Board should not refer to it. Ms. Heffner stated that Marv Stoner would not have given Mr. Snyder a permit if the distance was not correct or did not comply with the ordinances.

Ms. Hohenadel questioned when the previous owner moved from the property. Mr. Snyder purchased the property in September 2015. Ms. Heffner stated that the Township has letters stating that the property has been vacant since April 2012 and the property owner had not done any pumping on the lot.

Motion: Daryl Peck moved, seconded by Tony Crocamo, for Case 1221 for the property at 755 Kinderhook Road to grant a variance to Section 301.3.A.1 of .5 acre to the required 1 acre minimum lot size, with the condition that everything be built and carried out as presented to the Board, including all code issues. Motion carried 3-0.

Case 1222-McCarthy Tire Service Co.-1004 Stony Battery Road, Lancaster

Harvey Noss, President of McCarthy Tire, Andrew Miller and Joel Young of Rettew Associates, and resident Robert F. Seibert were all sworn in to provide testimony. McCarthy Tire and Automotive Center is located on a 8.54 acre site at 1004 Stony Battery Road and has been there for 47 years. They are proposing to construct a 30,000 square foot tire retreading facility which needs to be 125 feet x 240 feet to successfully accommodate this use. McCarthy has the required space in front of the current facility for additional parking spaces as well as a stormwater basin, which will be expanded to accommodate the new facility.

Mr. Young stated that the configuration of the lot and the location of the existing buildings on the lot make it impossible to construct a building of the necessary dimensions without encroaching on a property setback. The chosen location is the least impactful location for this expansion on the site due to the unused railroad parcel to the west and the great distance between the proposed building and any structures on the neighboring properties. Mr. Lintner questioned Mr. Young's reference to the

abandoned rail line and asked if the line had been re-deeded to any of the neighboring properties or does it still belong to the railroad. Mr. Young stated that it still belongs to the railroad but has not been used for over 15 years.

Mr. Young said due to the nature of the retreading business and the size of the equipment and associated uses, the building cannot be shorter than the 125 feet shown on the plan. The hardship is due to the physical constraints of the existing lot, which does not permit a viable building to be built on this site without the need for a variance. The building will have several loading areas for tires and additional space is required for the equipment. The photo presented and marked as Applicant A-1 is the internal layout of the proposed building. The second piece marked as Applicant A-2 is four photos looking in four directions at the proposed building location.

Mr. Young stated that the variance, if authorized, will not alter the essential character of the Zone or the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The property is adjacent to the abandoned rail line parcel and the lands to the south and north are zoned General Industrial (I-2). The land across Stony Battery Road is currently developed for industrial or warehousing uses and as such are not harmed or altered in any manner by the development of this facility.

The variance requested represents the minimum variance that will afford relief and represents the least modification possible of the regulations at issue. The applicant has taken great care in minimizing the width of the building to the minimum width that will still allow the internal movement of the machinery and vehicles, and has placed it in a location on the existing site that is the least impactful on any of neighbors. The representatives for McCarthy Tire feel that the setback variance will not cause any undue burden on the applicant or neighbors. Mr. Peck asked whether a rail buffer can be acquired or built upon and Ms. Hohenadel stated that it could be done, but from her experience with such matters it would be a very lengthy and difficult process just to determine which entity owns it. Mr. Lintner questioned how wide the rail right-of-way is and it was stated that it is 40 feet wide. Mr. Peck asked about the height of the proposed building which will be 24 feet, the same height of the existing buildings. Mr. Lintner also questioned if more parking spaces were going to be created in the front of the building and Mr. Young said yes because when the new building is operational, more employees will be hired. Additionally the square footage of the proposed building requires more parking per the Township's zoning regulations.


The existing storm water basin sits at the rear of the property in the triangular area. With the additional impervious area needed for employee parking, McCarthy will add a lower tier storm water infiltration basin at the back part of the lot to comply with the storm water management ordinance. Mr. Lintner questioned if the existing storm water flow is outside the residential setback. Mr. Young said there is a 50 foot yard setback and the water flows into the drainage easement at the rear of the property. Mr. Lintner asked if the proposed storm water plan will create more flow into this area. Mr. Young said that it will not due to the Township's new storm water management regulations and the advent of infiltration and water quality standards. The discharge leaving the site after the new storm water basin is built will be significantly less than what is currently discharged; therefore there will be no increase in the amount of storm water runoff.

Mr. Robert F. Seibert, 1045 Ivy Drive, Lancaster, is the neighbor at the end of the property and was given the opportunity to voice his concerns about storm water runoff. Ms. Hohenadel stated that his concerns will be addressed during the land development process. Mr. Miller stated that a infiltration test has been performed with good results and they feel that the storm water design will meet all the Township's requirements.

Motion: Daryl Peck moved, seconded by Tony Crocamo, for Case 1222 for the property at 1004 Stony Battery Road to grant a variance to Section 502.4.B of 37 feet from the required 50 feet side yard setback with the condition that everything be carried out as presented in testimony to the Board. Motion carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 8:45 P.M.

Respectfully submitted,


Tony Crocamo, Secretary
Secretary