

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
3401 MARIETTA AVENUE
LANCASTER, PA 17601
December 8, 2015

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, December 8, 2015. Gary Lintner, Chairman, 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; Rhonda Adams, Court Reporter; Jodi Heffner, Zoning Officer; and Marsha Beamenderfer, Recording Secretary.

Approval of Minutes

Motion: Daryl Peck moved, seconded by Tony Crocamo, to approve the minutes of the meeting held November 10, 2015. Carried 3-0.

Case 1218– S 3 Building Solutions, LLC-continued

Wayne Stoltzfus of S-3 Building Solutions, LLC and Eric Morgan of Funk Investments were both sworn in to provide testimony. Mr. Stoltzfus is proposing to use the property at 315 Primrose Lane, Mountville as a contractor's shop/storage. The business is a masonry sub-contractor business with 8 employees. They will be using the warehouse as a staging area to load and unload trucks or trailers for the jobs. No employees will be staffed there during the day. The original intended use of the property was as a contractor's office and they are planning on returning it to its original intended use. -

Mr. Crocamo questioned Mr. Stoltzfus about what hours they would be picking up and dropping off. Mr. Stoltzfus stated that they are at the job site by 7:00am so depending on driving time to the job, they may have to be at the building at 5:30am-6:00am. Mr. Stoltzfus stated that he instructed his employees to do most of their loading after work which would be 5:00pm as opposed to early mornings and they try and do that as much as they can. There are occasions where they will be there at 5:30am to pick up a trailer depending on their drive time to a job site.

Mr. Lintner questioned what the most recent use of the facility was. Mr. Morgan of Prospect Leasing and Management, representing the property owner Funk Investment Properties, answered the question. He stated that the most recent use was Mannion Enterprises and they have since moved to a larger facility in Manheim. They were in the space for 5-6 years and utilized it on a daily basis. Mannion Enterprises came in for a variance for its use because they outfitted a lot of police vehicles and were there on the property from 7:00am to 5:00pm. Prior to that it was used for storage which wasn't a great use because it was being used to store junk. Mr. Morgan was excited to find that S-3 Building Solutions was interested in using the property. When the property was developed back in the late 80s by Victor Rendina, his business operated out of that facility and Mr. Stoltzfus wants to return it to its original intended use.

Mr. Lintner also questioned whether the 8 employees would show up at the property. Mr.

Stoltzfus said no because S-3 is three brothers - himself and his other 2 brothers - who are the foremen and they would be there getting the trailer or a piece of equipment. The other employees drive directly to the job site. Mr. Lintner questioned if things would be built there to take to the job and Mr. Stoltzfus stated no. Mr. Stoltzfus stated that most of the equipment is on the job site and when a job is completed and another isn't starting yet they would bring everything back to the warehouse to stage until they are ready for it at the site. The things that would be stored there would be scaffolding, planking, and mixers. There is a fenced-in blacktop parking area and that is where most of the outside equipment is kept.

Mr. Lintner stated that S-3 Building Solutions leases an office and questioned whether the property would be used for any type of accounting. Mr. Stoltzfus stated that it is an uninsulated facility and is not occupiable and is just used as a shop. Mr. Stoltzfus was questioned whether any deliveries of masonry supplies would come to the facility and he stated no that everything is delivered directly to the job sites. Mr. Lintner questioned about the times of the people being at the facility and Mr. Stoltzfus said that the earliest is 5:00am and could be as late as 6:00pm. Mr. Stoltzfus stated that the company isn't doing snow removal this year as they did the previous 3 years because of the busyness of the masonry part of the business. They won't be there real late because of not doing snow removal. It was stated that some of the jobs are out of Lancaster County and they have to figure in travel time to get back to the shop and they try to work within an hour and a half travel time.

Mr. Peck questioned the site plan picture that was given and questioned how close the property is to the residential properties. Mr. Morgan showed on the site plan picture where the residential properties were and 2 properties in the northwest corner are both commercial and residential because they have apartments and commercial space in them.

Mr. Peck questioned how access to the structure is situated and Mr. Morgan stated that it is by the way of the "U" shaped driveway. The property is inside a chain link fence. Mr. Lintner questioned if his lease included any of the parking area outside of the chain link fence. Mr. Morgan stated that the parking outside the fence is common parking for any of the tenants. Typically no cutting of block is done at the warehouse unless a job doesn't let them do it on site due to dust.

Ms. Hohenadel questioned about the vehicles that are parked at the property and Mr. Stoltzfus stated that there are 2 trucks and 3 trailers which will be parked inside the fence. Mr. Lintner questioned if something would be running overnight and was told no. Mr. Crocarno questioned the screening at the property and whether it is still the same as when it was developed. Mr. Morgan stated that they had to replace some of the trees due to them dying. Mr. Morgan also stated that if any of the neighbors let him know of any screening changes that aren't doing as well as in the past, he will try and remedy those issues as quickly as possible. Mr. Lintner questioned any outdoor lighting at the property and it was stated that what is there will stay that way. Mr. Lintner questioned whether the property owner provided trash containers for the tenants. Mr. Morgan stated that there is a 6 yard trash dumpster there but S-3 stated that they have no need to use the dumpster as they use the ones at the job sites.

Mr. Lintner questioned whether there was anyone in the audience that is interested in this case and Charles Davis, 366 Caraway Dr., Mountville stated that he was there for this case and was sworn in. Mr. Davis stated a few concerns that he has with the warehouse, the first being a zoning error from C1 to C2 and early and late in the evening loading times. Mr. Stoltzfus stated that the early loading time probably occurred but when neighbors complained about it he spoke to his employees not to use the fork truck early in the mornings to load and to try and load the trucks in the evenings. Mr. Davis questioned working on weekends and Mr. Stoltzfus stated that there may be some Saturdays but no Sundays.

Ms. Hohenadel questioned Mr. Davis as to where his house is on the aerial view which was presented as Exhibit 1 and the photo was marked with an "X". Mr. Davis questioned Mr. Stoltzfus again as to what the building was going to be used for. Mr. Stoltzfus explained what was going to be put in there, what they were and weren't going to be doing and at what time they are going to be there. Mr. Davis questioned about the business previously doing snow removal and Mr. Stoltzfus said that they weren't doing that anymore and wouldn't rule out doing it in the future but not at this present time. They still own a plow but will be using that for the parking lot at the warehouse to be able to get out.

Mr. Davis questioned Mr. Morgan about the trees that were cut down a year ago and other trees at the fenced area that haven't been replaced. Mr. Morgan stated that if Mr. Davis has an issue with the trees and screening he should contact Prospect Leasing and Management directly to discuss this. Mr. Davis questioned Mr. Stoltzfus about when working on vehicles would occur and he stated not at all because they take all work vehicles to Fleet Masters for any repairs or oil changes. Mr. Stoltzfus has 3 vehicles but only the flatbed truck is kept there overnight and the other 2 pickup trucks are in transit every day.

Mr. Lintner questioned Mr. Davis where the residential properties are located and he said they are at a higher elevation and look down on the warehouse. Mr. Davis stated that the fence that was put up isn't high enough without the trees for screening. Mr. Davis stated that the reason that he is here to question this case as well as to provide testimony, is because he wants to make sure what they are doing there is allowed and to protect the residents with the screening, the hours, the sound and to work with the neighbors.

Mr. Lintner questioned whether the building had an office in it or if it was one big room. Mr. Stoltzfus stated that it is 3/4 of a room with a partition wall in the other quarter. Mr. Stoltzfus stated that the small part could not be considered an office because it isn't insulated. There is no heat, water or sewage on the property. The building isn't occupied during the day.

Motion: Daryl Peck moved, seconded by Tony Crocarno, for Case 1218 for the property at 315 Primrose Lane, Mountville to grant a special exception to occupy the warehouse as a contractors shop for Section 401.2.B.4 and 702.12 with a condition that the time of operation be from 5:30 am to 6:30 pm Monday through Saturday and the screening be reinstalled to its original specifications of the property and that there be no parking of employee vehicles. Carried 3-0.

Case 1219– Norman & Marilyn Welch

Norman and Marilyn Welch, 2010 Franklin Rd, Washington Boro, PA 17582 were sworn in to provide testimony. Mr. and Mrs. Welch purchased the property at 150-152 Franklin Rd., Columbia in November 2015 which had a 2 dwelling home on it which had burned a year and a half ago. Because it has been more than a year since the home burned the Welches have to comply with the zoning which is C-2 commercial. The 2- dwelling home on the property was built in 1900 and they are requesting a variance from Section 402.2.A to allow construction of a single-family, semi-detached dwelling unit. They are also requesting a variance from Section 402.4.A.2 for the setbacks.

Mr. Lintner questioned Mr. Welch if they were going to be living in the property. Mr. Welch stated that they currently live a mile from the property in a large home and their children no longer reside with them. They are thinking of downsizing but initially they are probably going to use it as rental property. Mr. Welch presented an aerial photograph of the property and marked it as a Applicant Exhibit A1 showing the house and a garage which they would like to tear down. They would like to build a new two dwelling home using the same square footage and have the same setbacks as are already there. Mr. Welch presented Applicant Exhibit A2 which is a photo of the dimensions of the new structure showing in red and the dimensions of the existing structure in black.

Mr. Lintner questioned the yellow color on the aerial view and Mr. Welch stated that this was the property and the back part of the property which is in the flood zone so they won't have the freedom to move the structure. Mr. Lintner then stated that he now understands why they were requesting a variance for the setbacks because of the size of the property and that there is a flood zone on the property. Mr. Welch stated that there are multiple residential homes around them as well as a farmer's field, across the street is a church and there is also an electrical substation nearby. Mr. Lintner questioned why the Township didn't have the owner do something about the property before this. Zoning Officer Jodi Heffner stated that this was a foreclosure property and the Township was having difficulty getting in contact with the owners. The Township has received numerous complaints about the property. Before the Welches purchased the property Ms. Heffner stated that the Township was looking into tearing it down.

Mr. Welch presented some photographs of the burned house, the garage and a photo of what they are proposing to put there which looks similar to an existing semi-detached property that they own north of Mountville, PA. There are existing gravel driveways on the property now but are not official so they will have to go to the state and apply for those driveways. The Welches feel that what they are proposing would greatly enhance the neighborhood because of the burned property being there for 1½ years. Mrs. Welch questioned the Board when the property became zoned commercial. Ms. Heffner stated that it was zoned C-2 which she thought seemed strange for a residence.

Mr. Lintner questioned what they were proposing to put there is 2 units with 2 stories meaning each unit is 2 story and not 4 units and the Welches said yes. Mr. Peck questioned the ability to move the house knowing that there is a flood zone behind it. Mr. Welch stated that two areas of

the property are in a flood zone, both from different years of flooding. Ms. Heffner showed the picture of the flood zones on the property and stated that no part of the house can be built in the flood zone. The flood zone is 110' back from the nearest part of Franklin Street. The length of the house is 72' and if the house is right on the edge of the flood zone that only leaves 38' and Mr. Welch stated that this was what they are asking for. Mr. Welch stated that the setback numbers are based on the middle of the house to the road as opposed to the narrowest point.

Mr. Peck questioned if the Welches were going to use the existing foundation and Mr. Welch said he will have to talk that over with the builder. They were thinking if they can't reuse it that they would dig it out and put a new one in the same place. If the foundation is fieldstone probably they will not be able to use the existing foundation or at the very least, would need to ensure it is stable.

Mr. Lintner questioned the placing of the house close to the floodplain and Ms. Heffner stated that the Welches would have to have someone come out and tell the Township where the line is for the floodplain and that they can be right to it. Mr. Lintner stated that in order to get the variance to the setback, they should put in a condition that if this line can be moved back further to the flood plain line, then this side of the house has to move back. The Welches stated that they would be fine with moving the house back and they would actually prefer moving it back because they feel that it is closer to the road than what they would like because of the amount of traffic.

Ms. Hohenadel recommended that the Board table its decision in terms of variances granted of 43' on Franklin Road and 29' on Franklin Street with the condition that if a survey of the property indicated that they can move back because of the location of the floodplain, then the variance would be commensurable. Mr. Peck questioned the Welches about their time frame and Mr. Welch stated that they would like to start building in the early spring. Mr. Peck stated that there doesn't seem to be any opposition to the first variance of the construction of the home but would like to get real measurements for the second request of the dimensional variances.

Mr. Peck questioned if they were solid on the size of the house they want to build and Mr. Welch stated that that size would work, and if they could move the house back they would do that. They don't want to change the footprint because of storm water regulations and them getting credit for what is there now.

Motion: Tony Crocamo moved, seconded by Daryl Peck, to continue Case 1219 to the January 12, 2016 meeting. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 9:30 P.M.

Respectfully submitted,
Tony Crocamo, Secretary

