

WARWICK TOWNSHIP ZONING HEARING MINUTES
WARWICK TOWNSHIP MUNICIPAL BUILDING
FEBRUARY 14, 2024
6:30 P.M.

Chairman Tom Matteson convened the February 14, 2024, meeting of the Warwick Township Zoning Hearing Board to order at 6:30 p.m. In attendance were board members Tom Matteson, Dana Clark, and Brett Nolt. Dane St. Clair and Mark Will were absent. Joel Lingenfelter was present but abstained from serving as he was one of the applicants. Also in attendance were Tom Zorbaugh, Code & Zoning Officer; Neil Albert, Township Solicitor; Allen Blank, Court Reporter; Joyce Gerhart, RGS Associates; Glen & Sue Gockley, 406 Pierson Road; Pam & Jere Buckwalter, 413 Pierson Road; Mike & Karen Wetzel, 411 Pierson Road; Tony & Erica Wiker, 1002 Log Cabin Road; Lloyd & Karen Groff, 407 Pierson Road; Richard Kroeck, 404 Pierson Road, Mike & Erin Martin, 405 Pierson Road; and Zach Miegel, 404 Pierson Road.

MINUTES APPROVAL: On a motion by T. Matteson and seconded by D. Clark, the Board approved the January 10, 2024 meeting minutes as submitted.

MEETING PROCEDURE: For the benefit of those present, the Solicitor explained the procedure to be followed for this evening's hearings.

POSTINGS, PROOFS OF PUBLICATION AND NOTICES: T. Zorbaugh confirmed that the cases were properly posted and advertised as required by law. The agenda was posted at the Township Office and on the Township website.

CASE #949 – LEFC: An application has been received from the Lancaster Evangelical Free Church (LEFC), 419 Pierson Road, Lititz, PA, located within the R1 Zoning District. The applicant is seeking relief from the Warwick Township Zoning Ordinance, for a Variance of Section 340-38.B, to allow a third access point along one of the road frontages. The application has been assigned Case #949 and is scheduled for a public hearing this evening.

Joyce Gerhart with RGS Associates was sworn in. She stated the applicant is seeking a variance to allow a third access onto Pierson Road. It is her understanding per the ordinance that on each street frontage that you have you are allowed 2 access points. Currently the church has 2 access points on Pierson Road, one is the main entrance out onto Pierson Road, which is a full movement access, and one is a right out only movement. What the applicant is requesting is for an access point on the southeastern end of the property as far away from Rothsville Road as they can get it. Currently the church has about 550 parking spaces and they are full every Sunday so they want to add some additional parking and they want to get it in as close proximity of the church as possible. They are proposing some parking in the southeast corner and they are requesting to be allowed to put an additional access point along the southeast corner of the property. The church currently has one access out onto Sixth Street. They do not have access onto Siegrist Farm Road or out onto Rt. 772. Gerhart stated that this is very unique in that the applicant has 4 frontages.

T. Matteson asked what the driving force behind needing an access out of this parking area, as opposed to being able to continue to funnel out to the other access to Pierson Road. Gerhart stated that the idea is to be able to have people come in and go out as quickly as possible for the services so that they are not backing up traffic in the parking lot and also on the public roads. D. Clark stated that the access drive to be located on the southeast corner of the lot is a difficult location and questioned whether they really want that access drive there. Clark also mentioned an access onto Siegrist Farm Road. Gerhart stated that the idea is to get the parking as close to the church building as possible and that to put additional parking out where the soccer field is currently located would be 800-900 feet to the entrance of the building. There is also an additional entrance at this location into the building, so it is in much closer proximity to get people in and out the building. B. Nolt asked if there were any traffic studies on how the new access would affect Rothsville and Pierson Roads. Gerhart stated that during the land development process they would have to look at a traffic study. Gerhart also stated this is the first step in seeing if the Zoning Hearing Board will even allow that access. They do not want to go through all the steps to do the counts and traffic studies if the Zoning Hearing Board would not allow the proposed access. D. Clark questioned if the access is far enough away from the intersection of Pierson Road and Rothsville Road, and if PennDot will allow the location of the proposed access drive. Gerhart stated they are far enough away for PennDot. The Township's ordinance requires 300 feet center line to center line separation, and the applicant has 290 feet so that would be a subdivision and land development waiver that the applicant would have to ask for. Clark questioned that everywhere else the applicant is holding a 15-foot setback for parking accept right against the neighbors and asked why this is the case. Gerhart stated that they will meet the Township's setback requirements. Gerhart stated that the most heavily used access point is Sixth Street and that previously everything came out on to Pierson Road. The old main entrance is the lightest used access now. T. Zorbaugh asked if there was any reason why they couldn't take the right turn exit onto Pierson and move it to Siegrist Farm Road and then they would not need zoning approval for the second drive. Gerhart noted that it would completely eliminate the soccer field to do that. T. Matteson stated he questions whether the Planning Commission and Board of Supervisors would be okay with another access on to Siegrist Farm because it is a collector road and there are already 2 intersections in reasonably close proximity to each other. T. Zorbaugh stated that the ordinance states you are allowed 2 access points per street, but it also allows the Zoning Hearing Board by a variance to allow an additional access on to a street if deemed necessary.

Joel Lingenfelter was sworn in. He stated that the parking that they are looking at is somewhere in the neighborhood of around 80 spaces so what they are talking about is the entry and exit of those 80 cars and not having to have them wait. It would take the pressure off of all of the rest of the parking lot which would help alleviate traffic. Lingenfelter stated that where the traffic builds is at the entrance to that lot and going to Sixth Street. Lingenfelter explained the traffic difficulties that they are experiencing.

Glen Gockley was sworn in. Mr. Gockley stated he and his wife have lived at 406 Pierson Road since 1989. Their property is directly across from the main entrance to LEFC. As a homeowner in the R1 area impacted by the current request by LEFC he strongly urges Warwick Township Zoning Hearing Board to deny the variance sought by LEFC. Currently LEFC has two access points on Pierson Road from the church property. The main access point is the main entrance to the church property at 419 Pierson Road and the second access point is at 401 Pierson Road. This access point was granted to LEFC several years ago following the church's request for a variance to Warwick Township Ordinance. The present request by LEFC for a zoning variance would create a total of 3 accesses from the church property onto Pierson Road. Several points of concern include the requested access would be very close to the intersection of Pierson Road and Rothsville Road. Any traffic entering Pierson Road from Rothsville Road would quickly encounter the proposed access point 290 feet center to center but when he is coming off the right to the right he is less than that. He is closer to 250 feet. As a vehicle continues west after they come onto Pierson Road after it gets by the new requested access, then they go by the 419 address. As

they continue on Pierson Road they would go by the 401 Pierson Road access point. Traveling east on Pierson Road would be the same experience in reverse. Any homeowner on Pierson Road faces the same hardship that start and stop traffic creates along this stretch of the road with many safety issues to be concerned. Pierson Road is currently overloaded at times, particularly during peak traffic. This excess traffic results in duress to the homeowners and those who travel Pierson Road. When a large number of LEFC members enter and exit from Pierson Road it complicates the situation on this busy road. On occasion which was several weeks ago orange cones were placed on Pierson Road on a Sunday morning by LEFC staff indicating to anyone traveling the road to take caution. The current access also indicates that there is an overload on the roadway. The cone placement clearly indicates to anyone traveling on this road to continue with caution. The current access to LEFC from Pierson Road requires all homeowners along this stretch to approach entering the road with extra caution and requires implementing patience and common sense to avoid safety concerns. Mr. Gockley asks that the current condition not be made worse by granting another access to LEFC from Pierson Road. He also requests that LEFC request their members to use common sense and caution when involved in the traffic flow in and out of the church property. Mr. Gockley stated that he attended a Zoning Hearing Meeting several years ago when the plan to add the second access which is 401 Pierson Road was presented. At that meeting it was stated that allowing the second access from the church property to run behind the homes on Pierson Road would resolve the traffic flow problems. He was assured by church members at that time that granting this variance would solve their problems even with continued growth. Mr. Gockley's main question is why was the traffic flow problem not more fully addressed when the new addition to the church building, expansion of the parking lot, and creation of a single access along Sixth Street. On LEFC property at the Sixth Street access is a sign that says no left turn on Sunday which forces more cars to exit the church property on to Pierson Road. This sign was placed by LEFC church and was not placed by Warwick Township. This limits access to Sixth Street during heavy traffic flow times and only adds to the current traffic flow problem. When the extension of Sixth Street and traffic circle were planned in that area, it was intended to facilitate traffic flow through and around Lititz. Why then would LEFC not consider using Sixth Street as a main and bigger exit from the church property? He feels that granting LEFC's current request would negatively affect Pierson Road and place additional hardship on the property owners and those who travel Pierson Road. In his opinion this request would not adhere to the general recommendations of Warwick Township.

Mr. Gockley read a letter from another neighbor, Ed Mitchell, who could not be in attendance for the meeting. Mr. Mitchell wrote that he would like to go on record that he is opposed to another entry for LEFC onto Pierson Road because it is hard enough to get out of his driveway on Sunday with the two driveways that they have. The churchgoers do not yield to right-of-way, they pull out in front of you. He also added that when they put the church in he was told that there would be someone there to direct traffic but that only lasted a short time. The letter was received as Protestant's Exhibit 1. Mr. Gockley stated he is not a traffic expert but 250-260 feet if you are going 30 mph you figure out how many seconds it takes to get from that road to the first exit – it is 5-6 seconds which is a very short time.

Karen Groff was sworn in. Karen stated that she resides at 407 Pierson Road. She has lived in that residence for 45 years and is the longest remaining resident that lives there. She stated that this proposal is a mistake. She mentioned the amount of traffic that they have to deal with. She went on to say that when they first approved for the church to go in their backyard they were told there will be a little bit of traffic on a Sunday but it would not be anything serious. If she would have known then what she knows now, she would never have approved for that church to go in her backyard. Mrs. Groff presented testimony in writing from Gary & Kathy Harman at 403 Pierson Road. These residents provided Mrs. Groff with a testament rejecting the plan also. The letter was received as Protestant's Exhibit 2. Mrs. Groff went on to share that she has trouble sleeping at night because there are other issues going on at the back of the church. She also stated that no one has ever gone around and

talked to the neighbors from the Church. Pierson Road is a small road and there are kids on this road. She shared that the entrance to Sixth Street is the access that should be used and if there is a problem then get a traffic control person out there directing that traffic.

Zach Miegel was sworn in. He shared his concerns because of his young kids and traffic can get pretty busy on Sunday mornings coming out of the entrances on 404 Pierson Road. He does not support adding another entrance.

Richard Kroeck of 404 Pierson Road was sworn in. Mr. Kroeck stated he has resided on Pierson Road since 1989. He agrees with everything his neighbors have said but he has some questions. He asked if the proposed driveway would be an entrance and an exit. It was confirmed that it would be an entrance and exit. J. Gerhart stated that the access is proposed as a full movement intersection. Mr. Kroeck sees the full movement as a real problem, especially the exiting.

Mike Wetzel was sworn in. Mr. Wetzel stated that he resides at 411 Pierson Road and has been there since 1982. Wetzel shared that in the beginning the church was open with the neighbors and now there seems to be a lot of hidden agendas. He stated that it is bothersome that the neighbors were not included in the process. Wetzel stated that when the round-a-bout was put in it definitely improved the amount of traffic on Pierson Road to a point but now he is starting to see people driving through the parking lot from Pierson Road to Sixth Street. He notes that a lot of things were done to create less traffic to Pierson Road but now we are adding another entrance which would create traffic on Pierson Road. The last thing they way is more traffic on Pierson Road. He stated that he stands firmly that he does not agree with the proposal.

Mike Martin of 405 Pierson Road was sworn in. Mr. Martin wanted to go on record that there are some young kids in the neighborhood and he thinks adding a third entrance would be a mistake. Mr. Martin wanted to convey to the church that a church is a good thing in the community but maybe there is something else that can be figured out as far as entrance and exit. He suggested traffic control or changing time frame.

It was noted that Karen Groff is very concerned about what goes on in the parking lot. She has called the police. There were drug sales occurring there.

There was some discussion on the event space across Rothsville Road using the church for overflow parking and what that would look like. Neighbors noted that they are a tight neighborhood but they really wish that the church was part of their neighborhood and it needs to be rethought, regenerated.

T. Matteson asked if anyone wished to be party status to this case. On a motion by T. Matteson and seconded by D. Clark, Glenn Gockley of 406 Pierson Road, Lititz was granted party status.

J. Gerhart stated that the applicant would like to table the application so that they can have some time to talk with the neighbors and think about what is proposed and come back at a future date to discuss it with the Board. T. Matteson suggested that it be rescheduled for next hearing and if it is still not ready they should send a representative to come and let the Board know and they will table it again if need be. The applicant has requested that they be at the March 13, 2024 meeting. On a motion by T. Matteson and seconded by D. Clark the application has been tabled until the March 13, 2024 meeting.

CASE #950 – TONY WIKER: An application has been received from Tony & Erica Wiker, owners of the property located at 1002 Log Cabin Road, Leola, PA, within the R1 Zoning District. The applicant is seeking relief from the

Warwick Township Zoning Ordinance of Section 340-25.A, to all a fence to be six (6') tall in a front yard setback. The application has been assigned Case #950 and is scheduled for a public hearing this evening.

Tony & Erica Wiker were sworn in by the court reporter. T. Zorbaugh stated that there has always been something in the front yard like tall hedges. The hedges were removed and they came in and started putting up a fence and someone in the neighborhood complained so Zorbaugh went out and looked at it. He stated that the fence needs to be moved back out of the right-of-way and that 6 feet was too high. The Township allows for 3 feet high fencing between the house and the road. Zorbaugh notes that the proposed fence is out of the clear sight triangle and matches some of the other stuff that goes back through the development a little bit. The request is to allow the front yard fence to be 6 feet in height.

The applicant provided pictures for the Board which were marked as Applicants Exhibit 1. T. Wiker stated that what is there right now, going parallel with Lehigh Forest Drive, there is a metal/wire fence that is 4 foot high. The applicant's dog is able to jump right over the existing fence. He also noted that parallel with Log Cabin Road it is 75 feet to the edge, the backside is allowed, and the neighbor that is also on Log Cabin Road has a 6 foot fence right now that the applicant was going to replace due to the fence condition. The applicant would like to have 6 foot fence all the way around so it would look nice and contain everything and give them privacy to allow the kids to be out in the yard.

D. Clark asked the applicant's what type of dog they have to which Mr. Wiker stated they have a pitbull. T. Matteson stated that this is their side rear yard even though it is technically a front yard but it is actually their back yard and he feels that the applicant should be able to fence in their back yard. On a motion by T. Matteson and seconded by D. Clark, the Board approved the case as presented.

TIME EXTENSION OF CASE 906: T. Zorbaugh stated that Dr. Palasz has sold the business to Dr. Moran. Dr. Moran is not sure he wants to continue through with the project and that is why they are asking for this short extension because they are at the 11th hour of getting all the approvals, but he cannot decide whether to continue with the plan or say no and let's stop. The applicants know that this is the last extension of time. On a motion by D. Clark and seconded by B. Nolt that the Board approve the time extension. T. Matteson abstained.

ADJOURNMENT: With no further business to come before the Board the meeting was adjourned.

Respectfully Submitted,

Tom Zorbaugh
Code & Zoning Officer