

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
APRIL 12, 2023
6:30 p.m.

Chairman Tom Matteson convened the April 12, 2023 meeting of the Warwick Township Zoning Hearing Board to order at 6:30 p.m. In attendance were Board Members Tom Matteson, Dana Clark, Mark Will, Dane St. Clair, and Joel Lingenfelter. Also in attendance were Tom Zorbaugh, Zoning and Code Officer; Neil Albert, Zoning Hearing Board Solicitor; Allen Blank, Court Reporter; Joseph Leofsky, 541 Furnace Hills Pike, Lititz; Allen Martin, 937 E. Newport Road, Lititz; Jim Wenger, Derck & Edson; Lauri Virkkunen, 1 Wynfield Drive, Lititz; Dwight Yoder, Gibbel Kraybill & Hess, LLP; John R. Gibbel, P.O. Box 16, Lititz; Henry Gibbel, 20 E. Fourth Street, Lititz; Dereck S. Hench, 784 Newport Road, Manheim; and Stan Musser, 204 Skyview Lane, Lititz.

MINUTES APPROVAL: On a motion by T. Matteson and seconded by D. Clark, the Board unanimously approved the March 8, 2023 minutes as submitted.

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

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

CASE #934: An application has been received from Joe Leofsky, 1415 West Kings Highway, Gap PA, owner of the property located at 541 Furnace Hills Pike, Lititz, PA, within the I-1 Zoning District. The applicant is seeking relief from the Warwick Township Zoning Ordinance, for a variance of the following potential Sections: 340-18. G.(2) & (3), or 340-85.E, or 340-27.A, to allow new homes placed within the mobile home park to be permitted to remain at a zero setback. The application has been assigned Case #934 and is scheduled for a public hearing tonight.

Joe Leofsky was sworn in by the court reporter. Mr. Leofsky stated that there are 4 or 5 properties that are right on the setback and 4 or 5 homes that are actually over the property line. Mr. Leofsky mentioned that the property has been this way for approximately 40 years but he wants to make it better. Mr. Leofsky stated that he spoke to Todd Bomberger, and they are the ones that installed the fence along the northern property line. Mr. Leofsky's motivation is, if an old home fails, goes bad, catches fire, or needs to leave and they pull it out he would like only to pull it back on the property line. If he had to abide by the setbacks, he would just leave that home there and fix it because a new home would no longer fit. If they shorten the home 5 feet just to get it inside the property line on the Bomberger's side they can make that work. The other homes on the south side come right up to the property line and the fence and the ones on the east side there is a privacy fence they but up against and would be fine. The biggest improvement would be on the Bombergers side when those homes leave actually keep the replacements on the property. The fence is towards Bombergers property 11 feet. There is a shed on the Bomberger property and 3-4 homes on the property. Eventually if we get those homes back off of the Bomberger property he can have the room he wants for the rental section of the business and it would give him another 10 feet for trucks to turn around. There is one new home in the park right now and he has done significant improvements. Mr. Leofsky does not want to put used homes in the park. N. Albert asked if the proposal is that for the homes that are over line when the time comes that they need to be replaced Mr. Leofsky would adjust the replacement homes so that they would be on the line with a zero setback and the homes that are at zero setback now he is asking that they be allowed to remain there as a prior nonconforming structure. Mr. Leofsky stated that if it were to leave that another one can be put in its place on the same footprint. A lot of the homes have side porches and are placed close together. The goal is to eliminate the side porches and go to front porches on the gable end. M. Will asked if the trailers are all single wide and if Mr. Leofsky is

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considering a change to the number of units. Mr. Leofsky stated the trailers are all single wide. He also mentioned possibly adding tiny homes to the site. T. Zorbaugh stated that the board be considering Section 340-18. G. (2) & (3). On a motion by T. Matteson and seconded by J. Lingenfelter, the Board unanimously approved Case #934 to include a variance of Section 340-18. G. (2) & (3).

CASE #935: An application has been received from Dereck Hench, 201 Rock Lititz Boulevard, Lititz, PA, for Musser Property Holdings, LLC, owner of the property located at 1633 Rothsville Road, Lititz, PA, within the MU Zoning District. The applicant is seeking relief from the Warwick Township Zoning Ordinance, for a Special Exception of Section 340-112.A, to allow an expansion of a nonconforming use. The application has been assigned Case #935 and is scheduled for a public hearing this evening.

Stan Musser was sworn in by the court reporter. Mr. Musser stated that they moved into their location at 1633 Rothsville Road a little over 10 years ago. The applicant would like to add on to the rear of the building that would be used for a warehouse area. They would not be expanding showroom space. Along with that expansion would be a new dock which would make trucks easier to unload.

T. Zorbaugh mentioned that the applicant has 22,293 square feet of existing building including macadam. Zorbaugh asked if the expansion would be going over existing macadam area or grass. Mr. Musser stated that it would be going over some of both. Zorbaugh asked if the expansion is 8,266 square feet. Mr. Musser stated that the building expansion area is 6676 square feet and the rest would be additional black top. Zorbaugh stated that at 8,266 square feet you would be increasing your area by 37% and you are allowed a 50% expansion. Zorbaugh stated that Mr. Musser explained to him that the industry has changed enough and that he needs this warehousing because when you can get supplies you had better get them. Mr. Musser stated that he was forced to rent warehouse space off site this year. They are storing new equipment for sale in the warehouse. T. Matteson asked if they do internet sales. Mr. Musser stated that they do very minor internet sales of parts. T. Matteson mentioned that the plan from Dautrich Engineering is somewhat confused because there is an impervious summary that says the existing building is 11,907 square feet. Mr. Musser confirmed that figure is accurate. Matteson mentioned that the proposed on the plan is shown as 6,676 square feet but over on the table it is 5,976 square feet. Matteson stated that the 6,676 square feet would exceed 50%. T. Matteson stated that if you look at the impervious surface summary chart the building is listed at 11,907 square feet and the new building is 5,976 square feet but if you go to the plan view the building addition is listed as 6,676 square feet. Matteson notes that one measurement complies but one does not. T. Zorbaugh stated that when he looks at the impervious summary he is not just doing building but the whole existing is 22,299 square feet and the proposed is 8,266 square feet and that is the number that he came up with 37%. T. Matteson asked if he was looking at total impervious for the use number. Zorbaugh confirmed that to be the case. They are expanding everything on the property so in the ordinance it is expansion of the property. There was a brief discussion of the expansion of the building and parking areas. On a motion by T. Matteson and seconded by D. St. Clair, the Board unanimously approved Case #935 for a special exception of Section 340-112.A as presented.

CASE #936: An application has been received from Lititz Mutual Insurance Company, 2 North Broad Street, Lititz, PA owner of the properties located at 2 & 4 Wynfield Drive, Lititz, PA, within the I-1 Zoning District. The applicant is seeking relief from the Warwick Township Zoning Ordinance, for a variance of the following potential Sections: 340-10 "Definitions" to allow a parking lot to be used as an accessory use for a neighboring property use, and if needed, 340-17. F(2) to reduce side yard setback. The application has been assigned Case #936 and is scheduled for a public hearing this evening.

Dwight Yoder, attorney at Gibble Kraybill & Hess is present on behalf of the applicant Lititz Mutual Insurance Company. He has with him Jim Wenger from Derck & Edson, Henry Gibbel, President and CEO of Lititz Mutual Insurance Company, and Lauri Virkkunen, Director of Service Operations at Rolex. The applicant is looking to use two vacant lots directly across from the Rolex facility for employee and guest parking. Rolex has a situation now where when the facility was constructed they met the requirements for parking but as their operations have continued to grow they have not expanded their footprint by they have more employees and they are out of space to park in the existing parking lot and it is forcing them to park along Wynfield Drive. Warwick Township Zoning Ordinance does not appear to allow office site parking, even though a parking lot is permitted as an accessory use, it has to be on the same lot as the principal use. The applicant is seeking a variance to allow this supplemental parking lot to be across the street. Because of some floodplain constraints and steep slopes on lot 5, in order to get the size parking lot that

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Rolex would like to see, they would like to push the parking lot across the property line of lots 5 & 6 and that is why they are requesting a second variance. Mr. Yoder stated that technically a joint parking lot can waive the setback but as they discussed this because there is not another use using the lot, they decided to request the variance to waive the setback. If the setback is not waived you would have 15 feet on either side and an access drive in between which makes no sense in terms of this application. Mr. Yoder distributed Exhibits A-1 to A-4.

Mr. Henry R. Gibbel was sworn in by the court reported. Mr. Gibbel confirmed his position as President and CEO of Lititz Mutual Insurance Company. He stated he has been president since 2008 and CEO since 2015. He stated their main office is located on the center square in Lititz at 2 North Broad Street. Lititz Mutual has been located on the square in Lititz or close to it since 1888. Mr. Yoder directed Mr. Gibbel's attention to exhibit A-1 which is a copy of the original subdivision plan for the Wynfield Business Center. Mr. Gibbel confirmed that Lititz Mutual owns what is identified as Lots 5 & 6 on the subdivision plan also known as 2 Wynfield Drive and 4 Wynfield Drive. Directly across the street is Lots 17 & 18 or 1 Wynfield Drive which is the Rolex building. Mr. Gibbel stated that there are no buildings on lots 5 or 6 but there is an access drive and a small parking area on lot 5. Route 501 runs directly to the east of lot 5. There is a floodplain around the stream to the back of the lots. Mr. Yoder asked if Lititz Mutual purchased these properties to have a place to expand in the future if needed. Mr. Gibbel stated that in the late 1990's the company purchased all 3 lots there for future expansion. He also stated that they do not have any plans to use the lots. Mr. Yoder asked if Rolex approached Lititz Mutual about using lot 5 and part of lot 6 to install a parking lot. Mr. Gibbel stated that Rolex expressed an interest for that support. Mr. Gibbel stated that Lititz Mutual is open to allow if the Township approves it. They want to be a good neighbor and they think it is a solution to their parking issue. Mr. Yoder asked if allowing parking on lots 5 and 6 in any way change the character of the surrounding neighborhood. Mr. Gibbel did not feel it would affect the character of the neighborhood, or impact any of the adjoining properties.

Mr. Lauri Virkkunen was sworn in by the court reporter. Mr. Virkkunen is Director of Service Operations for Rolex USA and has been in the position for 23 years. Mr. Virkkunen is responsible for operating the largest service center in the United States here in Lititz and it is serving the northeast all the way to Florida with official Rolex Jeweler service needs. Mr. Yoder asked what the Rolex Company is about. Mr. Virkkunen stated that Rolex manufactures watches in Switzerland and they have their headquarters in New York and here in Lititz is purely a service operation as well as a school. Mr. Virkkunen stated that they moved into the building at 1 Wynfield Drive in 2001. Mr. Virkkunen stated that the Lititz Watch Technicum needed more space so they are moving to Granite Run so the service operation has acquired the downstairs to use also. The first floor of the building was a training area and that area is what is moving to Granite Run so now the first and second floor of the building will be used for clock and watch repair. Mr. Virkkunen confirmed they Rolex did reach out to Lititz Mutual regarding using lot 5 and 6 to provide supplemental parking. Mr. Yoder asked if 75 parking spaces the number that Rolex feels is needed to provide adequate parking for employees and guests. Mr. Virkkunen confirmed that 75 spaces is adequate. Currently when the employee parking area gets filled employees are parking along the right hand side of Wynfield Drive. He also confirmed that the proposed parking lot would be for employees and guests of Rolex.

James Wenger, principal at Derck & Edson was sworn in by the court reported. He stated that Derck & Edson is a planning firm specializing in site implementation. Mr. Wenger confirmed that he is a registered landscape architect and that he prepares zoning and land development plans in the regular course of what he does. Mr. Wenger confirmed that he did prepare the sketch plan that is before the Zoning Board. Mr. Wenger noted that he did consult the township zoning ordinance to be sure that the proposed supplemental parking lot would meet the requirements of the township zoning ordinance. Mr. Wenger reviewed the plan that he prepared. He highlighted that the parking lot is situated so that the entrance would align with the driveway to the main Rolex facility across the street. He noted that there is a floodplain and slopes that affect lot 5 and the intent would be to try and maintain the lot up on the upper grades of the property so that it relates to street and has easy access back to Rolex and to get stormwater management to the north side of the proposed parking area. Mr. Wenger stated that the size of the parking spaces would meet the minimum requirements of the township ordinance and that there would be the required interior parking landscaping as required by the ordinance. The parking lot would be a bituminous surface. Mr. Wenger confirmed the need for a stormwater management plan if the zoning is approved. The parking lighting proposed would meet the township regulations. Based on the constraints on lot 5 there is a limited area where parking can be placed on lot 5 and in order to provide the number parking spaces Rolex needs they need to go across the line to lot 6 to provide those. This is because of the unique physical characteristics of lot 5 that do not

allow them to place all the required spaces in that area. Mr. Yoder reviewed that the Rolex facility is a use that is permitted in a community commercial zoning district and that parking lots are permitted as an accessory use. Accessory use in the definitional section indicates that it has to be on the same lot as the principal use. They are asking for a variance to Section 340-10 to allow the parking to be on a separate lot from the Rolex facility. Mr. Yoder asked if it is common for businesses to provide supplemental parking on a separate lot close to its existing operation. Mr. Wenger confirmed that to be the case. They are also requesting a variance to allow the parking lot to extend over the lot line. Mr. Wenger does see any problem with allowing that in this instance. Mr. Yoder asked if the variance is denied, how Mr. Wenger would address the need for parking. Mr. Wenger stated that they would have to extend the parking further in to lot 6 and actually have more bituminous than crossing over the property line. Mr. Yoder reviewed the requirements for a variance with Mr. Wenger. Mr. Wenger noted that directly across Route 501 is a car dealership so in terms of the character of the neighborhood that dealership is the only property other than Rolex would have any kind of direct impact. Mr. Wenger does not have any concerns with the proposal that has been presented.

Mr. Matteson asked if all of Rolex's required parking is provided on their lot and the proposed lot is extra or is the proposed parking needed to comply with the zoning ordinance. Mr. Wenger stated that the existing facility had a parking ratio by square footage for their use and that is what is there. There is 130 spaces on that lot. What is being proposed is not a change so it is not required. It is just that they have more employees than the parking standard. Everything that is required by the ordinance is still provided on the Rolex property and the proposed lot is extra that is needed but is not required by the ordinance. J. Lingenfelter asked what is adjacent to the lot on the north side. Mr. Yoder stated that is Oehme trucking. Mr. Will asked if there is any consideration for safety as people are parking and walking across Wynfield drive. Mr. Wenger stated that right now they are parking on the street so they are opening doors while cars are pulling in off of Route 501. The feeling is that it will be safer having them being able to be visible watching the traffic before they cross Wynfield Drive. Mr. Will asked if they considered trying to get some type of crosswalk to which Mr. Wenger stated that they will as part of the stormwater management plan. T. Zorbaugh stated that there has been quite a bit of conversation back and forth with the plan starting as a parking garage. The township supports this plan because they would like to get the traffic off of Wynfield because of truck traffic. The only thing the township would like to see is that there is a condition that it is for Rolex only. Zorbaugh mentioned extensive work being done in the floodplain will done. Mr. Yoder confirmed that they would have no problem with the condition that it is limited to Rolex only. M. Will asked Mr. Wenger what the unique characteristics to the Rolex lot that warranted the variance. Mr. Wenger stated that there is no physical space left on the Rolex lot to add impervious area. There is a wet pond out front that acts as stormwater management. There is storage under the patio out front and under the parking lot in the back and with all the setbacks there is not room to add anymore asphalt service. Rolex did look at a parking structure but they would lose some efficiency by adding a parking structure plus the impact to the adjacent residential area was considered a bad idea. D. Clark asked Mr. Wenger why they moved away from solely using lot 6 for the lot. Mr. Wenger stated that they wanted the drives to connect and to provide the shortest, simplest route to get across Wynfield Drive to Rolex. They feel the further away the parking is they are less likely to use the lot and will park on the street instead. Clark asked how they are going to deal with the fact that they have two separate lots and they have a parking lot that crosses those. He is wondering why they didn't do a lot consolidation and eliminate the property line. Mr. Wenger stated that Lititz Mutual would like to keep them as separate lots so in the future if the parking lot disappears they are not dealing with splitting the lots apart down the road. Rolex did consolidate the two lots they had. T. Zorbaugh stated that the township does allow joint parking lots it is just that this is not two businesses sharing a parking lot. T. Matteson asked if there would be no objection if a condition was applied that there needs to be an access easement or a shared parking agreement of some kind. Mr. Yoder stated that there will definitely be an agreement between Rolex and Lititz Mutual and they could do an easement that goes across lot 5 and 6 because technically that is how you would handle that situation and even though it is the same owner it would likely be what is called a declaration and not an easement because it is the same owner. N. Albert stated that the condition about if the applicant is agreeing this lot would be personal to the Rolex business and the township is in support of that it is something that should be included in the motion. There was a brief discussion on the other businesses along Wynfield Drive. Mr. Will mentioned that with the truck traffic on Wynfield Drive there should be some attention to the safety of people who are parking and crossing Wynfield to get to Rolex. Mr. Wenger stated that his understanding is if it is a township road that the township can authorize a crosswalk without going through any PennDot approvals and he feels they would be agreeable to a condition that the applicant would work with the township to see about putting a crosswalk there and also placing potential signage both ways that would help alert drivers that there are pedestrians crossing. Lighting will be important particularly in the winter so you can see anyone in the crosswalk. J. Lingenfelter asked if employees are coming and going all day or are there particular shifts. Mr. Virkkunen stated that they have

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open hours so employees can come between 6:00 a.m. till 9:00 a.m. and then employees leave from 3:30 p.m. till 5:30 p.m. There is just one shift for employees. T. Matteson asked if the township would consider post no parking along the street once the parking lot would go in. T. Zorbaugh stated that the street is too wide for that. The post office annex is marked on their side because that is a requirement for a federal building so the township probably would not post the other side.

On a motion by T. Matteson and seconded by D. St. Clair, the Board unanimously approved Case #936 as presented with both the variances of Section 340-10 and 340-17. F(2) with the following conditions: The first is that this approval shall be personal to Rolex and secondly that crosswalk, signage, and lighting acceptable to the township shall be provided across Wynfield Drive.

OTHER BUSINESS TO COME BEFORE THE BOARD:

CASE #915: D. Clark asked how they are making out with the restoration of the mill because that was part of the testimony in the original zoning hearing request. Clark asked if the time extension is related to the restoration of the mill. M. Will stated that the time extension is being requested due in part because of the submission of the plan and the HOP preparations. The plan has been submitted to the township and the county. T. Zorbaugh stated that Mr. Will has to go back before the Planning Commission and Supervisors with a modification of the plan on what he plans to do with the mill and how he is going to handle it so it will be a modification of his conditional use or is a new conditional use because under township ordinance if you are going to completely remove a structure you would need to get approval for that. D. Clark asked if the approval in zoning was based on the fact that the plan was to restore the mill and he is no longer complying with the testimony in that Zoning Hearing Board that may have changed that outcome. T. Zorbaugh stated that he did read the minutes and the decision. There was talk about the restoration but the approvals that were given for the mill the additions into the floodplain because the use was permitted. The rest of the talk was about building 7 (the chicken house) whether it could be closer to the lines, parking, etc. but in the actual decision there was record in the decision saying this historic structure had to stay. There was a discussion about how the historic structure was going to be used and was part of the applicants' narrative. D. Clark stated that the testimony may have influenced how the Zoning Hearing Board voted because the applicant testified to how the building was being reused. N. Albert stated that the Board of Supervisors and the township solicitor would have to make a decision of whether what comes back is a new application or not. T. Zorbaugh stated that Mr. Harris is aware of this conversation and he has been working with Mr. Will, so they are aware of the concerns. On a motion by T. Matteson and seconded by D. St. Clair, the Board approved the extension of time as presented.

The Board entered Executive Session. A decision on Case #929 will be rendered at the May 10, 2023 meeting.

ADJOURNMENT: Meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Tom Zorbaugh
Zoning Officer