

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES

February 10, 2021

6:30 p.m.

Due to COVID-19 this meeting was held virtually.

Chairman Tom Matteson convened the February 10, 2021 meeting of the Warwick Township Zoning Hearing Board to order at 6:30 p.m. In attendance were Board Members Tom Matteson, Dane St. Clair, Mark Will, Dana Clark, and Brent Schrock. Absent was Board Member Jeremy Strathmeyer. Also in attendance were Tom Zorbaugh, Code and Zoning Officer; Neil Albert, Solicitor; Lisa Miller, Court Reporter; Marc & Susan Pizzola; Jim & Kim May; Christopher Hartman, attorney; Matthew Mack, Civil Engineer; David Lapp, CEO of Blessings of Hope; Ryan Linder-Hess; Anthony Petersheim of Lancaster Design; Orlando Solis and Brett Nolt.

APPROVAL OF MINUTES: On a motion by T. Matteson, seconded by D. Clark, the Board unanimously approved the January 13, 2021 minutes as submitted.

CASE #907-JK MAY ENTERPRISES LLC-SPECIAL EXCEPTION: Tim May was sworn in. B. Schrock and D. St. Clair were not present at the last Board Meeting when this case was first presented. The May's were asked if they preferred all five Board Members participate in this hearing or the three Board Members who were present at the first hearing. The May's stated they preferred five Board Members. T. Matteson asked the May's to give a go over the changes that have been made to the plan. J. May showed where the garage doors will be located and stated he changed the parking locations. In addition, the outside storage that was originally requested has been withdrawn. The parking shown will be for customers and employees. One of the garage doors will be returned that was there previously and two side doors will be added. M. Will verified that the hours of operation will be the same as was testified to in the first hearing. J. May stated in the affirmative. M. Will inquired if there would be air conditioning in the building. J. May stated probably not in the first year or two but at some point in the future air conditioning would be installed. M. Will inquired if any work would be done outside of the building. J. May stated other than the possible towing of a vehicle to the inside of the building no work would be done outside of the building itself. M. Will inquired if the overhead door to the rear of the building is the same size as the overhead doors along the side. J. May stated he did not actually measure the door but it is probably approximately two feet higher. M. Will inquired if there will be any storage of containers outside of the building. J. May stated there may possibly be one drum of waste oil stored outside however he does plan on putting a waste oil furnace in the building which is where the waste oil will eventually go. B. Schrock inquired what type of construction business was occurring in this building previously. T. May stated it was a residential house construction business and the building was used for the storage of equipment, supplies, employee parking and meetings with clients. The hours of the construction business were 7:00 a.m. to 5:00 p.m. however if there was a meeting with a client the hours could go later. Nothing was ever manufactured or made on this property during this time. There were no other questions from the Board.

At this time the Board went into an Executive Session. Upon return from Executive Session, on a motion by T. Matteson, seconded by D. St. Clair, the Board by a 5-0 vote, approved Case #907 as presented with the following conditions:

1. Any outdoor storage must be screened from the road.
2. All work must take place inside the building; no work shall be done outside.
3. Either a landscape screen suitable to the Zoning Officer or a solid fence needs to be placed around the perimeter of the property.
4. Air conditioning needs to be in place by day one.

5. The doors must remain closed when the business is open so all inside noise is contained.
6. The hours based on the previous use are being limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 1:00 p.m. on Saturdays and closed on Sundays.
7. If the property is ever sold, the use is then abandoned.

CASE #908-MARC & SUSAN PIZZOLA-SPECIAL EXCEPTION/VARIANCE: Marc & Susan Pizzola were sworn in. S. Pizzola stated she would like to put a salon in the basement of their home and to sell products she uses in her business to her customers. T. Matteson inquired how large the home is. M. Pizzola stated the house is 2,500 square feet. The area of the proposed shop is 240 square feet. T. Matteson inquired how customers are getting to the door to the salon. M. Pizzola stated when facing the front of the house the sidewalk would continue from the current sidewalk along the right side of the house to the back and meet the sliding glass door. There will be no other employees. There will only be one customer at a time.

On a motion by D. St. Clair, seconded by T. Matteson, the Board by a vote of 5-0, approved Case #908 to allow a beauty salon as a home occupation with the following conditions:

1. Having the hours as stated in the application.
2. A sign may be no larger than two square feet and unlit.
3. Products may only be sold to customers attending the salon.
4. Only one customer may be in the salon at a time.

CASE #905-BLESSINGS OF HOPE-CONTINUANCE-SPECIAL EXCEPTION/VARIANCE: Ryan Linder-Hess was sworn in. David Lapp, Anthony Petersheim and Matthew Mack all understand they continue to be sworn in from the previous hearing. Christopher Hartman, Attorney for Blessings of Hope, stated Ryan Linder-Hess is a new witness who worked at the Hess Apple Processing Plant and he will clarify the use of the property by the Hess Brothers and will therefore be able to provide the Board with a better understanding of the nonconforming use of the property that preceded the use of Blessings of Hope. Blessings of Hope would still like to apply for a Special Exception under Section 112 for an expansion or alteration of a nonconforming use as well as a Variance to slightly exceed the 50% expansion limit and a Variance to allow for off street parking spaces that are required to meet the Township's standard to be located in the Manheim Township portion of the property. In order to get the Board's approval for this Application, the Applicant will be relocating the "shopping activities" to another location. 500 Becker Road will now be the location for food warehousing, food packaging, and food distribution only. This will be similar to the use of the Hess Brothers. The existing shopping area will be warehouse space. There will also be a reduction in the number of volunteers at the property as well as the number of off street parking spaces. A modified site plan will be presented showing an increase of 6% covered by structures. The new areas comprising the 6% will be for loading docks, office area and a covered fuel station. These are the areas that the Variance for the 50% expansion limit is being requested for. The off street parking requirements of Warwick Township will not be able to be met as only 79 spaces of the required 83 can be provided in Warwick Township. The remainder would be located in Manheim Township. A Variance is being requested to allow these four spaces to be located in Manheim Township to meet the Warwick Township off street parking regulation. Blessings of Hope is requesting six months to relocate the "shopping activity" portion away from 500 Becker Road. This six months will allow them to acquire a new location, receive the necessary permits, and fit out the new location for this portion of the business.

C. Hartman called Ryan Linder-Hess to testify. R. Linder-Hess is a present employee of Hess Brothers. He has worked for the company since 1999. He stated the building was built in 1965 and was sold to Blessings of Hope in August 2019. C. Hartman inquired from the time it was built until the time it was sold, was the building used continuously in the fruit business. R. Linder-Hess stated it was however 2016 was the last year of packing. When the building was sold it still contained all the refrigeration equipment.

C. Hartman then took R. Linder-Hess through the phases of construction and use of the Hess Brothers building. C. Hartman asked R. Linder-Hess to describe the fruit business. R. Linder-Hess stated his grandfather began packing apples in a tobacco shed at 400 Becker Road and the business grew from there. The apples themselves are

acquired from other parts of Pennsylvania, New York, Virginia and Maryland. At times fruit that was already processed would be brought to the 500 Becker Road location to be distributed. The apples are then sold typically by the bushel. C. Hartman inquired about the volume of apples that went through the location. R. Linder-Hess stated approximately 1-1.3 million bushels of raw apples were packed annually. Combined with the apples that came from the plant in New York, approximately 2 million bushels would come through on an annual basis. C. Hartman inquired about the daily truck traffic. R. Linder-Hess stated they were the busiest from Labor Day into January so during those months seven to eight trailers could be loaded per day equaling 7,500 bushels however on a more typical day four to six trucks are loaded. Some of these trucks were parked on the property. C. Hartman inquired how many employees there were. R. Linder-Hess stated there were 50 employees who worked year round and 10-15 part-time employees. During the busier months more employees would work than during the off season. C. Hartman inquired about the different shifts the employees worked. R. Linder-Hess stated in the fall the hours were from 6:00 a.m. to 11:00 p.m. During the slower months the hours were 7:00 a.m. to 3:00 p.m. depending on the stock of apples available. C. Hartman inquired if there were any retail sales that occurred at the property. R. Linder-Hess stated some apples were sold at the shipping dock by the bushel to outside customers.

At this time Board Members asked questions of R. Linder-Hess. D. Clark inquired if any maintenance or repair of vehicles was done at this location. R. Linder-Hess stated very little maintenance and repairs of vehicles was done at this location. M. Will wanted to verify that in 2016 the use of the property was vacated. R. Linder-Hess stated this was the last year that apples were packed there. M. Will then inquired as Hess Brothers was transitioning to their new location, what type of activity was occurring at the Becker Road location until it was sold. R. Linder-Hess stated the building was not being used as they had no need for two buildings. M. Will inquired if the use of the property as a food packaging and processing location was abandoned. R. Linder-Hess stated yes.

C. Hartman then called on David Lapp to testify. D. Lapp stated after going before the Zoning Hearing Board and Board of Supervisors and realizing the "shopping activity" was of concern, Blessings of Hope put in an offer to purchase the Ephrata K-Mart facility with the intention of moving this activity here as well as the food processing. This would allow some of the volunteers to move to this location as well. At this time, the offer from Blessings of Hope on this building has not been accepted. Realtors are still looking for warehouse space in the event this offer is not accepted as Blessings of Hope is dedicated to relocating the "shopping" portion of the business. D. Lapp reiterated that Blessings of Hope would like six months to relocate and fit out the next location. When the relocation occurs, there will be fewer volunteers at the Becker Road location resulting in the need for less off street parking. The existing "shopping" area, which is 10,519 square feet, will be repurposed as a cooler and dry space warehouse area. After the "shopping" area is moved, there will be approximately 30 fulltime employees at this location.

At this time the Board Members asked questions of D. Lapp. T. Matteson inquired how many volunteers were there going to be at the 500 Becker Road location once the "shopping" portion was removed. D. Lapp stated he estimates anywhere between 50-60 volunteers that would come in for three hour shifts. T. Matteson also inquired what the hours of operation would be. D. Lapp stated the hours of operation are 7:00 a.m. to 9:00 p.m. however on Monday and Thursday evenings they stay until 10:00 p.m. T. Matteson inquired how many trucks are anticipated at the facility each day. D. Lapp stated approximately eight to ten semi-trucks and some box trucks. Some of the trucks would be left onsite. M. Will inquired how many trucks were owned by Blessings of Hope. D. Lapp stated there are five semis plus two additional trailers and approximately 12-14 box trucks that are either owned or leased. Some of these would stay at the new location. D. Clark inquired how many days a week do the volunteers work versus the fulltime employees. D. Lapp stated the volunteers work six days a week.

C. Hartman then called on Anthony Petersheim to testify. C. Hartman asked A. Petersheim to describe the differences in the revised plan. A. Petersheim stated some additional parking spaces were rearranged as well as some trailer parking was revised in the southwest corner. In addition, some cab parking spaces were placed along the back corner. C. Hartman asked if since there were going to be a reduced number of cars due to a reduced number of volunteers, if the initial gate and fence system that was originally going to be put in place was removed in

this plan. A. Petersheim stated yes. A. Petersheim stated also it was initially proposed to demolish the maintenance truck garage building however this area is now going to be kept and repurposed for a different use. There is a new proposed cooler and freezer building which is in the same location and has the same dimensions as the concrete pad where the empty apple crates were stored for Hess Brothers. The only variation to the plan is the proposed offices which are suspended above the docks. These are not located where the existing concrete was but it is over existing impervious space. The proposed additional building on the south side area that was directed towards the "shopping" aspect of the facility has been removed. A covered entrance ramp and stairs is going to be relocated further away from the road. In addition, at the south end of the building a small addition that will be used as a dock staging area is being proposed that will be utilized that was permitted with Phase A last year. Also at the north end of the building a covered fuel island is proposed. Trucks would either be able to pull through the fuel island or bypass it. Three 12,000 gallon aboveground diesel tanks will service the fuel island. The screening on the south and west portion of the property will remain. Some additional trees were added in the parking area to comply with the parking regulations. In addition, the area to the east in front of the parking area will be turned into green space.

At this time the Board Members asked questions of A. Petersheim. D. Clark inquired if the relocation of the "shopping" portion will significantly decrease the amount of cars, volunteers and employees at this location, why is parking being provided now. He also questioned why Blessings of Hope is not securing the offsite shopping area to reduce the imperious area and parking requirement. D. Lapp responded the volunteers would still come to this location to work and do their shopping at the other location.

C. Hartman then called on Matthew Mack to testify. C. Hartman asked M. Mack to review the parking requirements. T. Matteson inquired if there are a lot of volunteers who come together as a family or as members of the same household in a single vehicle. D. Lapp responded yes. C. Hartman asked M. Mack questions regarding the placement of the four off street parking spaces that are going to be placed in Manheim Township. C. Hartman then asked M. Mack questions relating to the non-conforming use of the building and the request for the Special Exception.

M. Will questioned what the setback was on the parking area to the northwest from the Ag Zone. M. Mack stated it is 10 feet. M. Will inquired whether this parking lot meets that setback requirement. M. Mack stated he believes it does and did note that this parking area does have an increase in impervious area. M. Will inquired if a Variance was being requested for this increase. M. Mack stated no because the proposal is for some of the parking areas that are paved today to be repaved using a porous material that isn't considered impervious to make up the difference.

N. Albert had a question for C. Hartman. He stated it is his understanding that the refrigeration equipment remained in place from Hess Brothers however the processing equipment was removed. He would like to know how C. Hartman feels this relates to the question of abandonment. C. Hartman stated the refrigeration equipment was an essential part of the existing nonconforming use under the operation of the Hess Brothers. The intent was to have the property continue to be available for use for warehouse and food storage purposes. He feels the way the Hess Brothers left the property demonstrated an intent to preserve the nonconforming use status.

At this time the Board went into an Executive Session. Upon return from Executive Session, on a motion by T. Matteson, seconded by D. St. Clair, the Board by a vote of 5-0, approved Case #905 for the Special Exception and two Variances with the following conditions:

1. The parking lots need to be screened from the road.
2. Approval from Manheim Township needs to be granted.
3. There will be no fuel island on the property.
4. There may be no truck maintenance on the property.
5. The shopping use needs to be eliminated within 30 days.
6. A maximum of 65 people are allowed to work on the property. This includes staff, volunteers and truck drivers.
7. Semi-trucks going and coming from the site are limited to seven per day.

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8. Box trucks are also limited to seven per day.
9. Business hours allowed are 7:00 a.m. to 9:00 p.m. Monday through Saturday and emergency deliveries are permitted.

ADJOURNMENT: With no other business to come before the Board, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Thomas Zorbaugh
Code and Zoning Officer