

WARWICK TOWNSHIP

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(Lancaster County)

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES

December 8, 2021

6:30 p.m.

Co-Chairman, Tom Matteson convened the December 8, 2021 meeting of the Warwick Township Zoning Hearing Board to order at 6:30 p.m. In attendance were Board Members Tom Matteson, Dana Clark, Dane St. Clair, Brett Nolt, and Jeremy Strathmeyer. Also in attendance were Tom Zorbaugh, Code and Zoning Officer; Neil Albert, Township Solicitor; and Suzanna Oldt, Court Reporter.

APPROVAL OF MINUTES: On a motion by B. Nolt and seconded by D. St. Clair, the Board approved the November 10, 2021 minutes as submitted.

POSTINGS, PROOF OF PUBLICATIONS AND NOTICES: T. Zorbaugh confirmed the agenda has been posted. He also stated that this case is a continuation from the October 13, 2021 meeting.

ZONING CASES:

CASE #916 – Samuel Stoltzfus – Cedar Run Construction – T. Zorbaugh stated that what is being presented is a totally revised plan. S. Gergely stated that the applicant has been speaking with his neighbors, Leonard Hurst and Amos Hurst of Binkley & Hurst, in regards to purchasing a portion of their property and adding it on to the applicant's property. They are referring to the area along the Rail Trail on the northern side of their property, which is essentially the detention basin and part of the swale. This purchase allows the applicant to use the basin and modify it for storm water management which reduce his onsite storm water costs and complexity and risks of sink holes. It also gives the applicant more green space in lot area so that he is able to come in to compliance with the lot coverage requirements. This allows them to withdraw the zoning variance request for the lot. This also pushes the setback on the east side further to the east so it resolves some of the issues with the dumpster loading area being the rear yard setback. It also allows the applicant to extend the 3-sided storage building on the south side of the property to 300 feet, which is what he originally intended when he went to the Planning Commission. The applicant is requesting the following variances: Section 340-17.F(2) - Side Yard Building Setback Requirement of 25 feet, proposing 10 feet from the storage building to the southern property line, and 15 feet side yard setback for parking spaces, proposing an additional space at northern end of existing lot over existing paving. Encroachment for the 3-sided storage building is needed for truck maneuvering off of Rothsville Station Road, which eliminates the need to back in from the road, and also, for the loading of the panels onto the trucks from the shop. There is 44 feet in between the two buildings. The 10 foot encroachment to the southern side yard setback line does not encroach into the required 15 foot landscape buffer. Section 340-35.I. – Parking Requirements – Based on the proposed total new office and shop space and existing spaces, 38 parking spaces are required and 22 spaces are being proposed. Mr. Stoltzfus only has 24 employees on site. The vast majority of them do not drive. He has approximately 6 employees on the site on a day-to-day basis. The applicant has the ability to provide up to 59 spaces if the storage building were removed or it was reconfigured on the site. If a future user needed the parking, there would be a way to achieve it.

T. Matteson asked how many licensed drivers Mr. Stoltzfus has as employees. Mr. Stoltzfus responded that he has 6 maybe 7 licensed drivers at this time. D. Clark asked how they went from 49 spaces to 38 spaces. S. Gergely stated



the first proposal they figured for the existing office at a certain size and the existing shop together equate to a certain number of parking spaces which were added to the additions. The existing condition is non-conforming, so they are only counting the new additions. Clark asked if there was an increase in parking given the increase in size to the other building. Gergely confirmed there was no increase in parking. He stated that the storage building does not require parking. The parking requirements are generated from the shop building, which is staying the same. T. Matteson asked if the applicant is leasing or allowing the use of the piece across the street by anyone other than the applicant. Mr. Stoltzfus confirmed that the property across the street is used only by him. D. Clark asked about the basin. Gergely stated that the basin is located on the northern side of the property, adjacent to the Rail Trail. That basin was built as part of one of the Binkley & Hurst expansion. That area will be surveyed and hoping to be able to modify that basin to accommodate the applicant's storm water management as well. T. Zorbaugh stated that on the Planning Commission level was that they weren't overly excited about the basin being located right against the trail on the side of the building. This proposal would take that storm water facility away, or would they still have that. The idea was that where they applicant was originally going to put the basin would have been to north side of the building and that would have been really close to the trail, creating fear of undermining the trail there. There will be a lot leg work with Binkley and Hurst because of maintenance agreements and cross access agreements. That will all be dealt with through land development. An agreement has been made with the owners of the land (Leonard and Amos Hurst) that they are willing to go through this. As a part of your approval would be based on getting that land, if that doesn't work then all of your approvals would go away. D. Clark questioned the dumpsters and maneuverability. Gergely confirmed that the applicant will be using roll-off type dumpsters. Trucks will be able to pull forward, back up, off load, pull forward, and load the new dumpster. Zorbaugh asked about vehicles unloading and will they able to get off site to maneuver, they will not be backing in to the site off the road. Gergely stated that nothing has changed in the forward portion of the site. The plan is that there is a couple point turn, but the trucks come in, are able to maneuver about the site, and then pull back out onto Rothsville Station Road. Clark asked about the proposed planning in the rear which seemed to be an odd location. He asked why it is there and not along the rail trail. Gergely stated that there is a screening requirement for any type of outdoor storage or any storage areas from adjacent properties. The proposed landscape screening will probably be located along the paved area. The area will be screened per whatever the land development and zoning ordinances require. There was a discussion about existing screening and how far should the screening extend. N. Albert made note that the Board will need a copy of the plan and the letter from Leonard and Amos Hurst marked as exhibits for the court reporter so that it is part of the record. T. Matteson offered a couple of conditions. One is making sure you obtain the Binkley and Hurst land and attach it. The second is that the open storage building that is in the setback cannot ever be enclosed, if anything it would be removed in the future if parking is needed. Matteson wanted to make sure it was clear for the applicant or any future owner. T. Matteson made a motion to approve Case #916 with the revised plans that were dated November 30, 2021 with the two conditions that they obtain and join the Binkley & Hurst property, identified as lot addition a on the plan, and that the open storage building that is in the setback that is the subject of the variance request may not ever be enclosed. The motion was seconded by D. St. Clair, and the Board unanimously approved Case #916 with the two conditions.

ADJOURNMENT: With no other business to come before the Board, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,



Thomas Zorbaugh
Code Enforcement and Zoning Officer