

WARWICK TOWNSHIP ZONING HEARING MINUTES
WARWICK TOWNSHIP MUNICIPAL BUILDING
OCTOBER 11, 2023
6:30 P.M.

Chairman Tom Matteson convened the October 11, 2023 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 Joel Lingenfelter. Also in attendance were Barbara Kreider, Warwick Township; Neil Albert, Township Solicitor; Allen Blank, Court Reporter; Daniel & Diane Bailey, 102 New Haven Drive, Lititz; Deborah Weaver, 140 Church Road, Lititz; Laura Bowman, 2050 Main Street, Lititz; Kris & Shanelle Lee, 142 Church Road, Lititz; Brennan Ganteaume, 102 Garrett Circle, Ephrata; Aaron Shelly, 465 Herr Avenue, Millersville; Shane Weaver, 210 Cambridge Lane, Lititz; Stan Musser, 204 Skyview Lane, Lititz; and Deb Ressler, 569 Millway Road, Lititz.

MINUTES APPROVAL: On a motion by D. St. Clair and seconded by M. Will, the Board unanimously approved the minutes as submitted.

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

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

CASE #941: T. Matteson stated that this case is a continuation from last month's meeting. The Board is in receipt of additional information regarding the history of the property from the Township Zoning Officer. Shane Weaver was sworn in by the court reporter. Mr. Weaver stated that Weaver Energy has underground storage on Church Road. Weaver Energy purchased the old Affordable Paving property on Briar Hill Road and the Wo-Go on Rothsville Road. Mr. Weaver mentioned that it is difficult to plan, especially for underground storage. It takes consideration as far as DEP permitting and the fact that relocating is difficult. Mr. Weaver knew when they purchased the Briar Hill Road property there was no option to put underground storage there. The Wo-Go property became available and they were able to capture that property with the intention to relocate the storages from Church Road to the Wo-Go facility or install new underground storage there. Mr. Weaver is guessing it would be in the 3-5 year range for the relocating or removing of the storage tanks on Church Road. T. Matteson asked if Mr. Weaver is in the early stages of pursuing this process. Mr. Weaver stated that they have already started rehabbing the Wo-Go property on Rothsville Road. The first step of that process was to get the retail pumps back in working order and to start to generate some revenue on the property. He would think if they are lucky by the end of this year the Wo-Go will be operational but most likely the first quarter of next year. At that point they will begin to plan for what it looks like to rehab the rest of the property. He noted that there is some non-operational underground storage on the property now. It is still compliant with DEP and the tanks are fine but the mechanicals are shot. Mr. Weaver stated that they are in the process of getting that property into a place

where they are going to use it. D. Clark asked if Mr. Weaver has applied to DEP for any modifications to the property. Mr. Weaver stated that they have had the underground bulk storage tanks polished so it is in good shape but aside from that he has not applied to DEP for modifications to the property. J. Lingenfelter asked how large the property on Rothsville Road is. Mr. Weaver noted that it is approximately 1.1 acres. The Board went in to executive session. After the return from executive session, N. Albert noted that they are marking as Board Exhibit #1 the history of the property that was compiled. T. Matteson stated that the Board has concern about the maintenance of two nonconforming uses on the property but at the same time they recognized that there have at times in the past been two nonconforming uses on the property. The Board is willing to grant the application but with a condition that one of the two nonconforming uses has to be ceased within 5 years. This allows 5 years to move the fuel business off and if that is not moved off within 5 years then the short-term rental business would need to be discontinued. On a motion by T. Matteson and seconded by M. Will, the Board unanimously approved Case #941 as presented with the condition that one of the nonconforming uses must be ceased within five years of the Zoning Board approval on 10/11/2023.

Case #943: An application has been received from Dan & Diane Bailey, owners of the property located at 102 New Haven Drive, Lititz, PA, within the R1 Zoning District. The applicant is seeking a relief from the Warwick Township Zoning Ordinance, for a Variance of Section 340-14.J, to allow a rear yard setback be reduced from 35' to 25'. The application has been assigned Case #943 and is scheduled for a public hearing this evening. Dan and Diane Bailey were sworn in by the court reporter. Mr. Bailey stated that they would like to put an addition on their home that would go out from about the center of the house to the end of the garage. It will be 15' out from the house and 30' in length from the center of the house to end where the existing garage is. In the addition they want to put a multipurpose dining room for larger family gatherings and the last 5-6 feet will be a laundry area, toilet, and utility sink. The Bailey's feel the addition is more cost effective than moving. They wish to move the laundry up out of the basement so there do not have to use the stairs. D. Clark asked if the Bailey's were planning to age in place in this location. Mr. Bailey stated they really like the community and have been in their residence for 30 years. Mr. Bailey said the roof line on the addition will be equal to or a little lower than the existing roof line. It will be a gabled roof. Mrs. Bailey stated you will not see the addition's roof line from the front of the house. T. Matteson asked if there was a fence along the property in the back between them and the neighbor. Mr. Bailey stated the property behind them is two lots so the owner is on the lot that is not directly behind them. The neighbor has approximately 15 feet of yard waste that he has been piling up for years directly behind their property. J. Lingenfelter stated that looking at the street it seems like there is a lot of other properties that are closer than 35 feet to their back property line. On a motion by M. Will and seconded by D. St. Clair, the Board unanimously approved Case #943 to grant a Variance to Section 340-14.J to allow for a 25' rear yard setback based on the plans submitted and the testimony presented by the Bailey's.

CASE #944: An application has been received from Brennan Ganteaume, 102 Garrett Circle, Ephrata, equitable owner of the property located at 1639 Rothsville Road, Lititz, within the MU Zoning District, owned by Dana Lee Rook. The applicant is seeking a relief from the Warwick Township Zoning Ordinance, for a Special Exception of Section 340-113 to allow a proposed Martial Arts studio to be a substitution of a nonconforming use and a potential Variance of Section 340-35, to reduce the required parking spaces. The application has been assigned Case #944 and is scheduled for a public hearing this evening.

Mr. Ganteaume was sworn in by the court reporter. Mr. Ganteaume stated that he is the current owner and chief instructor at Lititz Martial Arts and he is looking to relocate from their current property at 400 N. Cedar in Lititz Borough to the 1639 Rothsville Road property. T. Matteson mentions that there has been a long history of substitutions of nonconforming uses on the property. T. Matteson asked N. Albert how a martial arts studio not a permitted use in the mixed use zone. B. Kreider stated that it could be a use not provided for which would be a special exception. T. Matteson asked how many staff would be employed there. Mr. Ganteaume stated that there are no employees, it is just him. Mr. Ganteaume confirmed that most of his classes would be held in the evening. M. Will asked the applicant why they are seeking a potential Variance of Section 340-35 for required parking. N. Albert asked how many spaces are

on the property. The applicant stated that there should be 13 on the 1639 Rothsville Road property. Albert stated he was out there and there are approximately 8 parking spaces on the front. He asked where the other spaces are located. Mr. Ganteaume stated that there are spaces on both sides of the building in addition to the rear. The applicant noted that there was a representative from Musser's Lawn Care who is allowing the applicant some use on parking spaces at his location when it is available which would be when they are closed.

Stan Musser was sworn in by the court reporter. T. Matteson asked what hours is Musser's Lawn Care open. Mr. Musser stated that their hours are Monday, Wednesday and Friday 7:30 a.m. till 5:30 p.m., Tuesday and Thursday is 7:30 a.m. till 7:30 p.m., and Saturday is 7:30 a.m. till 1:00 p.m. Mr. Musser stated that the applicant approached him and asked if he would be willing to work with him regarding parking. Mr. Musser noted that it would have to be completely on his closed hours and not during his open hours because he struggles with parking as is. Mr. Musser was aware that maybe there was parking available at the White Swan. Mr. Ganteaume stated that he did talk to the owners of the White Swan in regards to parking there and they did give him the verbal okay. They were not able to provide anything in writing for this meeting but they did approve him for those 18 spaces that are there. He also noted that Mondays and Tuesdays the White Swan is closed so he does have that available. Ganteaume stated that Drew Hench, the owner of the White Swan, contacted the township regarding approval of to use that space. N. Albert asked if there was a reason the approval from the White Swan couldn't be in writing. Ganteaume stated that the White Swan has a lot of liquor control board license concerns and when the application was submitted he did make the owners aware that there was a need for something in writing. When the owners of the White Swan went back to their attorney it was more problems on the liquor control board side so that is why they did not have anything in writing for this meeting. T. Matteson asked how many students are in a class. B. Ganteaume stated that there are approximately 15 students per class, with most of their students being youth students who are dropped off and picked up later. M. Will share his concern with cross-utilization of the parking at the White Swan. He feels that White Swan does not have adequate parking currently which is why they are renting a spot across the street for additional parking. Mr. Musser stated that the parking he has is located on Vine Street. He is not sure how students and parents would walk from his parking lot to the studio because there is no sidewalk in front of his building. There is a back alley through his back lawn and across. He is in the process of land development with hopes to build a warehouse that would totally shut that down. B. Ganteaume stated that his students range in age from 4 to 50 years old but most of the students are younger students so they do get dropped off and picked up at the end of their class. M. Will asked if there was a potential for there to be a class of 15 older students who would need parking at the same time. Ganteaume stated that could potentially happen but not always on the same day. He went on to say that they would be open 4 nights a week and attendance is not always the same every night. Will suggested that the Board should look at what the maximum number of people possible that could be there and the maximum number of vehicles and then figure out if there is suitable parking to accommodate that. B. Ganteaume stated that the 18 spots are beside the building and are not associated with the bus lot. Mr. Will noted that he is not comfortable with Mr. Ganteaume cross-utilizing those spots with the White Swan. He mentions the focus being on getting Mr. Ganteaume parking spots that are dedicated to his business and not be cross-utilized. T. Matteson stated that his concern is not the weeknights, it is the special events on Saturdays when there is people much more likely to come and stay rather than drop off. Mr. Ganteaume stated that some of his special events are currently done on Saturdays but they may need to be moved during the week to off-shoot the White Swan's hours, but as he stated to Mr. Hench and the team at White Swan if for any reason since they are open at 12 p.m. they would not be past 12 noon and they do not have events that run past 12 noon on Saturdays or weekends. He also stated that the schedule is something they are aware of currently at their location and they schedule events accordingly with the other businesses and always make them aware of what is going on. If they would have to move Saturday events to a weekday, it is no problem. N. Albert asked if all 15 students show up for class or do you have beginner classes, advanced classes, etc. Mr. Ganteaume stated that they have a youth class that is 4-7 year olds from 6:30 p.m. to 7:00 p.m. They have youth students in their own class and adult students in their own class. Everyone is separated out by age and rank. Mr. Albert asked how many in each of those 3 groups typically. Ganteaume stated on any given day the youth 4-7 year olds could be 6 kids, the youth class could be 10-11, and the adults could be on average 15 students but no one comes 4 nights a

weeks, it is more like 2 nights a week. T. Matteson asked how much space is there between classes. They go one from one class to the next but usually they take 5-10 minutes before and cut class and then let the other one recycle in. T. Matteson stated that when the youth class lets out you have 8-10 parents coming to pick up kids at the same time you have 15 adults coming for their class. There is no space between those classes so where are they all going to park? Matteson agrees that it is a great use of the building but the parking is a real issue. Matteson asked what is the applicant planning to do on the nights that parking is not available at Mussers or White Swan. Mr. Ganteaume stated that class times could be adjusted if needed. T. Matteson noted that square footage does not speak to the parking, it is the number of students so whether you are using the whole building or not is irrelevant. M. Will asked if the training floor larger at the proposed site compared to his current site. Mr. Ganteaume stated that the training floor would be much larger at the proposed site, possibly 3 times larger. Mr. Will asked with the training floor 3 times larger, doesn't Mr. Ganteaume expect that the class size is going to expand also. Mr. Ganteaume agrees with that statement. He states that knowing that this is something he would like to do as a full-time business, they are looking at down the road putting some day time classes in so it helps to off-set all of the evening times. He is limited to evenings right now because he works a fulltime day job. D. Clark asked if there is a student to instructor ratio to which Mr. Ganteaume stated there is not. Mr. Ganteaume agreed that he is comfortable teaching a class of 5, 10, or 50 at a time.

Debbie Ganteaume was sworn in by the court reporter. She stated that the times of classes are back to back right now but they do not have to be. They could schedule a gap between classes. She also mentioned that they were thinking that the White Swan is completely closed two days a week that they could use them. Wednesdays are an advanced class so there is only one class on Wednesdays. M. Will mentioned that the Board has no control over the White Swan and they could easily start opening on Monday's and Tuesday's. N. Albert stated that unless somebody can come in with a signed lease or license from the White Swan, the Board cannot tell them to let the applicant park there. They have to provide the Board with something in writing that states that they are okay allowing the applicant to use their parking.

Kimberly Coleman was sworn in by the court reporter. Ms. Coleman stated that she lives behind the proposed property. She shared her concern about the limited amount of parking space that they have available as is, let alone adding a business that has a potential to have 50 people there at one time. Ms. Coleman stated that the alley or drive that is on the left side of building is actually a shared driveway easement between the four properties that are behind and next to the proposed property so there is no public parking back there and it cannot be blocked. She also mentioned the White Swan stating that they are going to work with the applicant they have already told her in the past that they have a shared fence on the property line that the owner of the White Swan was going to care of the fence and redo it together with Ms. Coleman and that never happened. She did ask that if the application was granted that signage be installed that say private driveway or no public access. N. Albert stated that he was out at the property and he did see on the left side as you are looking at the property there is a wide area that goes right up to building that is in gravel. He asked where the shared driveway stop. Ms. Coleman stated she believes it runs from Rothsville Road, goes around the horseshoe which is around the next building that is on the left of Rothsville Road and it runs behind that property onto Ms. Coleman's property and onto her neighbor's property. She thinks the driveway portion has a 12 foot easement. Mr. Albert asked if the common driveway go right up to the side of the building or not. If Mr. Ganteaume can provide parking on the side of the building is one thing but if he can't then he can't. Ms. Coleman stated that the driveway easement says 12 foot wide driveway. N. Albert stated that the plan that was submitted shows an 8 foot strip in between. Mr. Ganteaume stated that his realtor led him to believe there would be spaces along the side of the building and a space or two behind the property. Ms. Coleman stated that the spaces to rear of the building are part of the driveway easement and if people parked there they would block her in. Ms. Coleman is concerned that if anybody parks behind the building where her property line ends she is either parked in or parked out. There was a discussion regarding the easement in question. T. Matteson shared his concern that if Mr. Ganteaume has a mass of people coming Musser's is not realistic because they would have to walk along the road to come down to his lot and it is also a little bit of a distance away. People are going to go where it is convenient and they are going to go in that alley whether we like it or not and regardless of signs. Mr. Ganteaume mentioned the possibility of parking spots in front of the loading dock of

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the building. There was a lengthy discussion regarding the parking in the area around the property. K. Coleman supplied the township with her driveway easement which was added to the record. S. Musser stated that in conversation with Mr. Ganteaume he told him using the Musser's parking would be on a trial basis. If he were to have cars parking there during his business hours he would have to insist his property not be used by the karate studio. Mr. Musser also stated he would need to talk to his attorney and his insurance company regarding the use of his property. Mr. Musser mentioned that he had spoken to Drew from the White Swan and he got a different story from him as far as parking at the White Swan but he cannot speak for him tonight. J. Lingenfelter suggested that Ms. Coleman be party to this case. On a motion by T. Matteson and seconded by D. St. Clair, the Board granted Ms. Coleman party status. The Board went in to executive session. Upon return from executive session M. Will stated that the Board believes Mr. Ganteaume's business is a quality run and successful business. The Board has a lot of concern for the parking and they are proposing to do, if Mr. Ganteaume is open to it, is to not rule on this tonight but to continue it until next month and allow Mr. Ganteaume to go back and rethink where parking could be accommodated for the largest class size for now and into the future. Mr. Gantueame is agreeable to that plan. On a motion by M. Will and seconded by D. St. Clair that Case# 944 be continued until the November 8, 2023 meeting.

ADJOURNMENT: With no further business the meeting was adjourned.

Respectfully Submitted,

Tom Zorbaugh
Code & Zoning Officer