

WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
February 12, 2014

Vice-Chairman Scott Goldman convened the February 12, 2014 meeting of the Warwick Township Zoning Hearing Board at 6:45 p.m. Present were Board Members Scott Goldman, Dane St. Clair, and Mark Will. Gary Lefever and Thomas Matteson were absent. Also present were Zoning Officer Thomas Zorbaugh, Zoning Hearing Solicitor Neil Albert, Jim Wenger, Kathy Zimmerman, Russel Dicks and Barbara Dicks.

MINUTES APPROVAL: On a motion by St. Clair, seconded by Goldman, the Board voted unanimously to approve the minutes of the January 8, 2014 meeting as submitted.

POSTING, PROOF OF PUBLICATION AND NOTICE: The Zoning Officer confirmed the posting, notice and proof of publication of the case to be heard at this evening's hearing.

HEARING PROCEDURES: For the benefit of those present, the Zoning Hearing Solicitor explained the procedure to be followed for the evening's hearing.

CASE #802, ROCK LITITZ PROPERTIES - SPECIAL EXCEPTION/VARIANCE: The Chairman read the zoning notice for the application received from Rock Lititz Properties, One Ellen Drive, Lititz, PA 17543. The applicant is the owner of the property located at 36 W. Newport Road, Lititz. The applicant is seeking the following reliefs to the Warwick Township Zoning Ordinance in the Flood Plain overlay district and Campus Industrial Zoning District: a Special Exception of Section 340-22.F(1) pertaining to drive accesses; a Variance of Section 340-22.G(1) to allow structures; a Variance of Section 340-22.G(5) to allow damming or relocation and a Variance of Section 340-H(1)(a) to modify the design of the flood plain.

Jim Wenger, representing Derck & Edson, was sworn in. He provided an overview of the project for the benefit of the Board. He explained that the 95 acre tract was rezoned from Agricultural to Campus Industrial. He explained that the site would be accessed through Ellen Avenue, which is the current access to Clair Global. Subsequently, access would be provided through Toll Gate Road. He added that the Applicant would also like to provide access to Wynfield Business Center, where two of the entities have existing operations. Wenger stated that there is a developable portion of the property at the southwest corner of the site that they propose to cross the existing floodplain to access, rather than extending an access point through the residential area that adjoins the site. He explained that the Special Exception is to allow roadways to cross the floodplain. He stated that they are proposing a raised crossing to the west to control stormwater at this location.

Wenger stated that the site design also includes a proposal to re-align the stream that flows through the site to its natural location. He noted that the proposal includes stream and floodplain restoration. He stated that the stream location has altered over the years due to the previous farming practices. He added that since the property extends on both sides of the floodplain, the property owner is attempting to remove legacy silt that has settled over the years, which would affect the floodplain elevation on-site, but not downstream. In addition, infiltration and recharge will occur on the site. Wenger stated that the Applicant is working with LandStudies on the floodplain proposal which would reduce the sediment load to the Santo Domingo and Lititz Run. The Zoning Officer explained that the downstream property (Wynfield Business Center) was also part of a stream restoration project. Wenger explained that the plans will also require the approval of the PA Department of Environmental Protection (DEP) as well as the Lancaster County Conservation District. The Zoning Officer explained that Phase 1 of the development has been approved, and noted that Phase 1 did not include the floodplain area. Wenger stated that the proposal has been submitted to DEP and they have begun their technical review.

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The Zoning Officer inquired whether or not the proposal requires approval by FEMA. Wenger stated they are in the process of determining whether or not the proposal requires approval by FEMA. Wenger clarified that 2 roadway structures would cross the stream, Studio Drive, which would provide access to the south at Wynfield Drive, and Rock Lititz Boulevard that would provide access to the southwest corner of the site.

Kathy Zimmerman, 352 Coventry Lane, explained that she lives in the adjoining residential development. She stated that over the years, their basement has flooded twice. She explained that water is currently diverted towards her property and requested whether the Applicant would guarantee that water would flow away from the development. The Zoning Officer outlined the water flow through the development. He explained that the rear yards within the development comprise the detention basin. Wenger explained that he is unable to guarantee that the development would correct the issue since some of the water flows are not from the subject site. He added that the development would not worsen this condition.

On a motion by Goldman, seconded by St. Clair, the Board voted unanimously to grant a Special Exception of Section 340-22.F(1), a Variance of Section 340-22.G(1), a Variance of Section 340-22.G(5), and a Variance of Section 340-H(1)(a), contingent upon approval by the Township Engineer, upon approval by DEP, and upon approval by FEMA (if required).

CASE #803, RUSSEL & BARBARA DICKS - VARIANCE: The Chairman read the zoning notice for the application received from Russel & Barbara Dicks, 857 Ballstown Road, Lititz, PA 17543. The applicant is seeking a Variance to the Warwick Township Zoning Ordinance under Section 340-12.H(2)(a), pertaining to design standards in a Rural Estate Zoning District. The applicant would like to allow a shed to remain in a front yard as it was placed on the property.

Russel Dicks was sworn in. He explained that the shed was placed as far back on the property as possible. He added that this location was chosen due to an existing utility easement, the location of underground pipes, and the location of the secondary septic system location on the site. He noted that the shed matches the appearance of the house, and pine trees were planted to buffer the location. The Zoning Officer explained that the shed meets the building setback line; however, the Ordinance does not allow sheds to be located closer to a roadway than the primary home. The Zoning Officer stated that he used the home construction drawing to indicate a possible location for the shed; however, it was placed closer to the roadway than the illustration indicated. The Board members inquired why the shed was not located directly behind the home. Dicks explained that the septic pipes run under the area between the home and sand mound.

Barbara Dicks was sworn in. She provided photographs of the site to illustrate the layout of the property compared to the submitted drawings. She noted that the submitted drawings might not be accurate. The Board members expressed concern about setting a precedent allowing a shed in a front yard. The Zoning Officer explained that he would meet with the Applicant to obtain on-site measurements.

On a motion by Goldman, seconded by Will, the Board voted unanimously to table action on Case #803 until the Board's next meeting on March 12, 2014.

ADJOURNMENT: With no further business to come before the Board, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Thomas Zorbaugh
Zoning Officer