

**WARWICK TOWNSHIP ZONING HEARING BOARD MINUTES
FEBRUARY 10, 2016**

Vice-Chairman Scott Goldman convened the February 10, 2016 meeting of the Warwick Township Zoning Hearing Board at 6:30 p.m. Present were Board Members Scott Goldman, Brent Schrock, Dane St. Clair, Mark Will, and Tom Matteson. Absent was Gary Lefever. Also present were Zoning Officer Tom Zorbaugh, Neil Albert, Zoning Hearing Board Solicitor, Patty Toth, Sush Plaza Drive, York; Monica Kerr and Tom Loper representing Lamar Advertising; Tom Nitsch, 9 S. Main St., Railroad, PA; Todd Vaughn and Bill Swiernik representing DM/A; Tara Will, 1213 Orchard Road; Casey Deller representing CS Davidson Inc.; and Randy Hess representing Hess Home Builders.

MINUTES APPROVAL: On a motion by Goldman, seconded by St. Clair, the Board voted unanimously to approve the minutes from the August 11, 2015. Lefever and Matteson abstained from the voting.

ELECTION OF OFFICERS FOR 2016: The acting Vice-Chairman opened the nominations for Chairman, Vice-Chairman and Recording Secretary of the Zoning Hearing Board. On a motion by Goldman, seconded by St. Clair the Board voted unanimously to nominate and re-elect Gary Lefever as Chairman of the Zoning Hearing Board. On a motion by Schrock, seconded by Will, the Board voted unanimously to nominate and re-elect Scott Goldman as Vice-Chairman of the Zoning Hearing Board. On a motion by Goldman, seconded by Will, the Board unanimously voted to nominate and re-elect Tom Zorbaugh as Recording Secretary of the Zoning Hearing Board.

POSTINGS, PROOFS OF PUBLICATION AND NOTICE: Tom Zorbaugh, Zoning and Coding Officer, confirmed that the new cases were properly posted.

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

CASE # 826- RANDALL & STEPHANIE HESS- SPECIAL EXCEPTION/VARIANCE: Randall Hess, Bill Swiernik and Todd Vaughn were sworn in. The property in question is located on East Woods Drive south of Mayfield Drive and east of Brusen Drive. It is an 8.6 acre property zoned R-1 Residential and currently undeveloped. The Applicant is looking for approval for driveway crossings, to include utilities, for the unnamed tributary that bisects the property. The proposal is for 10 single family dwellings. The entrance points for the driveways have been minimized by utilizing shared driveways. There will be a driveway location on the east which will serve four dwellings, another driveway to a single lot which does not cross the floodplain, a driveway will service three lots near the center of the property, two of which will cross the stream, and a third driveway that crosses the floodplain will serve two lots on the western side of the property.

The Special Exception is for a driveway in a floodplain and utility crossings. This is an unnamed drainage course that bisects the property to New Haven Run. The drainage area for the property starts at almost the entrance for Mayfield which circles from the west to the north of the property. The actual water course is located on the property. It does not begin offsite. The floodplain is not mapped by FEMA so Hess Builders has prepared a floodplain analysis to assign a 100 year water surface elevation based on the drainage area that is a tributary to the unnamed tributary.

To date plans have been submitted which include the floodplain review. Vaughn stated he spoke with Chuck Haley, Township engineer, who stated the only remaining item from the compliance submission comments were the permitting requirements for DEP to process for the general permits for the crossings in the floodplain. Goldman inquired where the property was in the planning process.

Vaughn stated at this time there is no plan to move forward with planning until the zoning requirements are met first. The plan was submitted to the County, the Conservation District, and Warwick Township.

Matteson inquired about the depth of the driveways and the need for culverts.

Vaughn stated the driveways will have culverts so all the base flow will go through the culvert and not flood the driveways so the rear lots will not be stranded if flooding occurs.

Goldman inquired if the FEMA floodplain requirements are met. Zorbaugh stated it does under the Township's Zoning Ordinance as it is now a recorded floodplain under Section B1 A1,2 & 3.

Zorbaugh stated the Variance was asked for in the event the Board did not feel these were permitted structures. The Variance may not be needed if the Board approves the Special Exception request.

There was a discussion on whether the culverts are considered part of the Special Exception or if a variance is required.

Will stated that the culverts are a structure and felt a Variance is needed.

The Board went into an executive session.

Upon return from the executive session, the Board determined that the way the ordinance is written a culvert is considered a structure. Goldman made a motion, under the condition that the floodplain study is approved by the Township, to approve the two Special Exceptions for Case # 826 regarding the crossings of driveways and utilities in a floodplain. Goldman also made a motion to approve the Variance to place structures in the floodplain. These motions were seconded by Matteson and unanimously approved by the Board.

CASE # 827- LAMAR ADVERTISING- VARIANCE: George Cook, an attorney at Blakinger, Thomas Law Firm, was present to represent Lamar Advertising. Monica Kerr and Casey Deller were sworn in. Zorbaugh gave some background information on the property. The Applicant is requesting to place a billboard sign in a floodplain overlay Zoning District on property owned by Oehme Trucking.

Monica Kerr is a real-estate manager for the York-Lancaster Division. Kerr manages the lease portfolio by working with landowners and finding new site locations. Cook inquired of Kerr how many signs/structures Lamar currently has in Warwick Township. Kerr stated Lamar has one sign containing four faces located at 501 and Landis Valley Road.

Cook introduced Applicant's Exhibit Number One. Kerr stated this is the Lamar lease that is signed between Lamar and the landowner. This allows Lamar to construct the billboard, allows access to the sign, and outlines that Lamar does not hold the property owner reliable or responsible for any accidents.

Kerr stated Lamar is seeking a back-to-back sign on a single pole structure with two electronic faces. Cook inquired how far set back the pole structure is from the right-of-way and center line of Route 501. Kerr stated there is a 60 foot right-of-way from PennDOT. From the center of the road to the pole will be 77 feet. These setbacks are in compliance with the Township's setback requirements in the Ordinance. The size of the sign faces will be 11 feet x

22 feet for a total of 242 square feet per side. Cook inquired how the electronic digital display works. Kerr stated the electronic signs have controls that adjust to the ambient lighting. For example if it is cloudy during the day it will automatically adjust to the surroundings. Cook inquired in what matter Lamar monitors the sign. Kerr stated there are cameras located on either side that are directed to the face. The Corporate Headquarters are located in Baton Rouge, Louisiana. There are screens that continuously scroll through so the screen can be seen at all times. This is monitored 24/7.

Cook introduced Applicant's Exhibit Number Two. Kerr stated this is a structure print. This contains the measurements and specifications for the sign and footer.

Cook introduced Applicant's Exhibit Number Three. Kerr stated this is a flood map indicating the flood area that was provided by the Township. Cook inquired if Lamar gave consideration to locating the proposed sign in any other section of the I-1 Zoning District other than this location. Kerr stated yes however in looking at other parcels the sign would be sandwiched in with the required setbacks and would closer to the a Residential use. Kerr stated Lamar wanted the sign to be more out in the open. Cook inquired if Lamar considered other I-1 Zoning District locations in other parts of the Township. Kerr stated yes however this type of sign is not permitted because these are not located along an arterial road and there would also be restrictions with space requirements.

Casey Deller was the next witness. He is a professional engineer and senior project manager with CS Davidson, a regional civil engineering consultant firm.

Cook introduced Applicant's Exhibit Number Five. Deller stated this was his resume. Cook inquired of Deller what experience he has in regards to floodplains. Deller stated he has completed FEMA's certification program. He is also a certified FEMA Floodplain Manager.

Cook inquired what steps Lamar is proposing to take to meet the requirements of the Warwick Township Zoning Ordinance for floodplains. Deller stated the Applicant is proposing to place the sign away from the nearest stream. Cook inquired what the definition of floodway was. Deller stated FEMA's definition is when the 100 year floodplain is constricted, it is the amount of constriction that results in a one foot rise of the hydraulic model of the flood. The floodway during the course of a 100 year flood is the area of moving water with a measurable velocity to it. Outside of this area is referred to as the flood fringe. This is the area that sees the increase with the rise in flood water essentially the standing water. The proposed sign would be located within the flood fringe. In the event of a flood, the water would rise approximately 1-1 ½ feet above grade up the post. Deller stated the sign is adequately structurally designed to withstand any flood water. Holes will be drilled into the bottom of the sign post to allow water to be able to flow freely in and out.

Cook inquired if Deller would explain what a safe recovery zone is. Deller stated the safe recovery zone is an engineering design standard established from the Federal Highway Administration to PennDOT. This specifies the design and horizontal layout of a roadway. It refers to the area of the roadway outside of the travel lane and the area adjacent to the road. The safe recovery zone starts at the outside of the white line and moves out from the roadway. The safe recovery zone states that no object should be placed within 20 feet of the white line.

A discussion ensued regarding the size of the sign in a floodplain zone.

Will questioned what the hardship issue would be. Cook stated the exceptional hardship is this is the sole location in Warwick Township where a sign of this type can go in the Industrial Zone District. Matteson responded that there is an open field across from Mark V Drive so this would not be the only location to place the sign. Kerr stated the area being referred to is closer to a Residential use therefore Lamar was taking into consideration the impact the sign would have on these property owners. A Commissioner inquired what those impacts would be. Kerr stated the residents could possibly be able to see the light from the electronic billboard.

Zoning Hearing Board
February 10, 2016

The Board went into an executive session. Upon return the Board unanimously denied the requested variance to allow the sign to exceed the maximum of six square foot permitted in a floodplain and therefore denied the Special Exception requested to place a sign in the floodplain.

EXTENSION OF TIME FOR TOOTHSMITHS UNTIL DECEMBER 2016: On a motion by Goldman, seconded by Matteson, the Board unanimously approved the time extension until February 14, 2017 for Toothsmiths

The Board took an executive session to discuss the Kleinsassar case.

With no other business to come before the Board, the meeting was adjourned at 8:30 PM.

Respectfully submitted,

Tom Zorbaugh
Zoning and Coding Officer