

COLERAIN TOWNSHIP ZONING HEARING BOARD MINUTES
Daniel Blank and David Blank Case 2023-05
April 5, 2023 at 7:00 P.M.

Members present were: Bob Stanley, Chairman, Tammy Rineer, Vice-Chairman, Doug Eaby, Member, Josele Cleary, Zoning Hearing Board Solicitor was present as well as Christy DellaRova Court Reporter. Christy can be reached at 717-299-8091. A listing of others in attendance will be kept on file.

Mr. Stanley shared that the Zoning Hearing Board held an Executive Session on March 1, 2023 regarding the Beiler appeal.

The March 1, 2023 Meeting Minutes were approved on motion of Ms. Rineer, second of Mr. Eaby and approval of all members.

Mr. Stanley shared Case No. 2023-05, the application of Daniel Blank and David Blank concerning property located at 383 Maple Shade Road, Kirkwood, within the Village Center District. Applicants request special exceptions to authorize the establishment of a business for the manufacture of sheds as a second principal use with the existing four apartments to remain under Zoning Ordinance Sections 5.04.03.J, 4.05.02 and 6.17.

Ms. Cleary explained a zoning hearing. The Zoning Hearing Board will consider this hearing in accordance with the requirements of the Municipalities Planning Code. The first item of business is to determine the parties to the hearing. The applicants are parties to the hearing. The township, by law, is a party to every hearing before the Zoning Hearing Board whether or not the township appears and actively participates. Other persons can request to be recognized as parties. You do not have to be recognized as a party if all you would like to do is ask a question or make a statement. If you wish to preserve your right to file an appeal with the Lancaster County Court of Common Pleas if you disagree with whatever the decision of the Zoning Hearing Board is, you should ask to be recognized as a party because only parties have the right to file an appeal. In order to be recognized as a party, you must have an interest in the application that is different from all residents in seeing that all residents comply with the zoning ordinance. Generally if you live in the immediate vicinity of the subject property or own land in the immediate vicinity you would have the right to be recognized as a party. After all of the parties to the hearing are determined the applicant will have the opportunity to present evidence in support of the application. The applicants for this hearing are represented by legal counsel. Each party will have to be sworn or affirmed. The members of the Board or Ms. Cleary may ask questions for clarification. Other parties will be given the opportunity to ask questions, and then other people in the audience who are not parties will be given the opportunity to ask questions. After the applicants have presented all of their testimony, then any person recognized as a party will have the opportunity to present testimony. Any party who wishes to testify will have to be sworn or affirmed. The applicant has the right to cross examine such persons, and members of the Board or Ms. Cleary may also ask questions for clarification. After all the parties have testified, then persons not recognized as a party who wishes to make a statement will be given the opportunity. They will also have to be sworn and affirmed and can be questioned in the same manner as any other witness. After the Board has heard all of the evidence, the record will be closed. Under state law, the Board has 45 days after the close of testimony to render a decision. The Board can deliberate tonight, go into executive session, or take the matter under advisement and

render a decision within the 45-day period. If the Board takes this case under advisement tonight, it would render a decision at its regularly scheduled April 5th meeting. There is a court reporter here because state law requires that the Board keep a stenographic record of the proceedings. In order that the court reporter can do her job, only one person can speak at a time. Wait until recognized to speak, give your name and spell your name. The record will show that there were no questions concerning the procedures that the Board will follow for this hearing.

Ms. Cleary asked if there was anyone wishing to be recognized as a party to these proceedings. There were no audience members who wished to be recognized as a party. The applicants and the township are the only recognized parties to this hearing.

Mr. Melvin Newcomer introduced himself as legal counsel for the Blank's for tonight's hearing. He shared that they are making a special request for light manufacturing for the property which is approximately 10.74 acres. There are currently 4 apartments located on this property. Mr. Newcomer shared that according to Section 6.17 of the ordinance, it allows 2 principle uses to be erected on a single site provided that the area requirements and all other requirements for each use is handled as if it were a single lot. Mr. Newcomer will be calling on Mr. Pogue, land planner and the Blank's to testify this evening.

Mr. Newcomer shared a set of 4 exhibits with Ms. Cleary and the Board. Exhibit 1 showed the current deed for the property showing the owner as the Kings. Exhibit 2 is the prior deed for the Stapleton's. This deed was included because the deed that the Kings have does not provide a legal description which is provided in the Stapleton's deed. This description is larger than the actual current property because there was a subdivision that has since taken place. Exhibit 3 is the plan that has been slightly enhanced from what was filed with the application. The revised plan shows parking. Exhibit 4 is photos of the property.

Mr. Newcomer called applicant, Daniel S. Blank of 384 Bell Road, Christiana, PA 17509 to provide testimony. Mr. Newcomer asked Mr. Blank how he is employed. Mr. Blank responded that they employ 5 employees, which includes himself. Mr. Newcomer clarified that Mr. Blank has a business that manufactures sheds, to which Mr. Blank responded that was correct. Mr. Newcomer shared that this was the wholesale manufacturing of sheds, to which Mr. Blank responded that was correct. Mr. Newcomer asked Mr. Blank if this was the business that he is proposing to move to 383 Maple Shade Road, Mr. Blank responded yes. Mr. Newcomer shared that Mr. Blank has an agreement of sale with the Kings for this property to which Mr. Blank responded that was correct. Mr. Newcomer stated that the current owner gave Mr. Blank authorization on his application to make this presentation this evening, to which Mr. Blank responded that was correct.

Mr. Newcomer asked Mr. Blank to share some general information about the property. The property is approximately 10.75 acres. The current buildings on the property include 4 apartments, a tobacco shed on the left side, a horse barn, a pond and some fields. A portion of the fields are currently leased to a local farmer. If the Board approves this application, Mr. Blank intends to continue with these uses. Mr. Newcomer asked Mr. Blank to confirm that the majority of this property would remain fields and undeveloped, to which Mr. Blank responded that was correct.

Mr. Newcomer asked Mr. Blank to describe the area surrounding this property. Mr. Blank shared that across Maple Shade Road is Prange's Trucking. On the same side as the property is Dixie Land Propane. Eschbach, the post office and Shoemaker Trucking are located on the 472 side of the property.

The wholesale shed business is being proposed as located on this property. Mr. Newcomer shared that Exhibit 3 showed the characteristics of what is being proposed. The proposed building will be located on the northwest corner of the property and will be 70'X130'. The paved area surrounding the building will be used for storage of raw materials as well as finished sheds. There are also 8 parking spaces identified on the plan. Mr. Blank responded that the information Mr. Newcomer shared is correct. Mr. Newcomer noted that per the zoning ordinance, it is required that 1 parking space be provided for every 2 employees. There are currently 5 employees including Mr. Blank. Mr. Newcomer asked if the number of employees could increase. Mr. Blank responded that it could increase up to 9, but that is not the plan. There are no immediate plans to increase the workforce if this plan is approved.

Mr. Newcomer shared that Mr. Blank is involved in the wholesale manufacturing of sheds. Mr. Newcomer asked if there would be any retail sales occurring on this site. Mr. Blank responded no, that is not the plan. There will be no customers on this site. Mr. Newcomer shared that the sheds being built are mostly for custom orders. Mr. Blank shared that they produce 10-18 sheds per week. The slower time of the year for this business is typically January through March. They are busier during the spring and summer months. All of the work involved in constructing the sheds will take place inside the building.

Mr. Newcomer had Mr. Blank confirm that the building will have 3 bay doors along the 130' length of the building. The width of the bay doors is 16'. The exterior of the building will be metal siding. The building will be 1 story with a loft and will comply with height requirements.

Mr. Blank shared the process of making a shed. The sheds begin with 2X4s being laid out on the floor inside to make the frame. They attach the framed walls to the floor then add the sheathing and roof, then do the outside trim. The shed is moved outside when it is finished. The proposed storage area for the finished sheds will be to the west of the building. During the busy season, Mr. Blank shared that there may be as many as 20 sheds in this storage area. A truck load of sheds goes out daily. Finished sheds may be on the property for 3 days before being shipped off the property. Mr. Blank confirmed that they do not stockpile inventory. Raw materials are received on an 18-wheel truck 3-4 times per week. Mr. Blank shared that these trucks are like the type of truck used by Prange's Trucking. Mr. Newcomer asked Mr. Blank if he would foresee a significant increase in truck traffic on 472, Mr. Blank responded no.

Mr. Newcomer shared that the anticipated access to the property will be off of 472. Mr. Newcomer had Mr. Blank confirm that the property is being designed so that trucks can pull off of 472 directly onto the property, load or unload and exit back out onto 472. Trucks will not have to back off of or on to 472.

Mr. Newcomer had Mr. Blank describe how finished products are handled. Mr. Blank shared that finished sheds are picked up by a forklift and loaded onto trucks. Mr. Blank hires a trucker to deliver the sheds to the wholesalers. 5-7 tractor trailers per week would be delivering finished sheds. Mr. Newcomer noted that a total of minimum 8-12 trucks per week would be on the property, Mr. Blank responded this was correct. The hours of operation of the business will be 6:00 a.m.-4:30 p.m., Monday through Friday. They do not plan to work Saturdays, but during the busy time of year there may be some Saturday hours, but not the whole work day. They are closed on Sundays.

Mr. Newcomer shared that there will be a generator on site. The generator will be located on the east side of the building facing the agriculture area of the property. The generator will be located in an

enclosed insulated and soundproof building. The generator will run from 6:00 a.m.-4:30 p.m. The generator will not be running at night. Mr. Blank confirmed this was accurate.

Mr. Newcomer shared that the outside storage area will be to the east of the building. This storage area will be able to accommodate the potential 20 finished sheds. This statement was confirmed as correct by Mr. Blank. Mr. Blank shared that the raw materials will be stored on the east side of building. Raw materials would be 2X4s, skids of shingles and USB.

Mr. Newcomer shared that the trash will be stored in a dumpster that will be hauled away by a licensed trash company. Mr. Blank responded that is correct. Trash will be taken away on a regular basis. There will be no burning of waste materials or any type of burning on site.

Mr. Newcomer asked Mr. Blank to confirm if he schedules the trucks that will be on site. Mr. Blank confirmed yes. There will be 2 trucks on site sometimes. Mr. Blank tries not to schedule the trucks so prevent this, but it does happen occasionally. It was noted by Mr. Newcomer that there would be sufficient area for trucks to maneuver should this happen.

Mr. Newcomer had Mr. Blank confirm the handling of raw materials. Mr. Blank shared that the materials are unloaded using a forklift. There will not be a loading dock. The raw materials will be placed outside until they are needed. Mr. Blank shared that finished products are loaded from the ground onto trucks using a forklift as well.

Mr. Newcomer asked Mr. Blank to confirm that the building will be located approximately 500' from Maple Shade Road. Mr. Blank confirmed this was correct. The building will not be very visible from Maple Shade Road. The west side facing David Eschbach Jr. Inc will be screened. The screening will be in accordance with the zoning requirements as determined by the township. A land development plan will be done if this request is approved by the Zoning Hearing Board. In that plan the type of screening will be addressed. There will be a sign that will also be in conformity with the zoning ordinance. No special requests are being asked for in regards to the sign.

Mr. Newcomer shared and Mr. Blank confirmed that there are currently 5 employees including Mr. Blank. All of the employees are Amish. They are taken to and from work by a hired Amish taxi driver. No horses and buggies will be driven to work by employees.

Mr. Newcomer had Mr. Blank confirm that he hired Mr. John Pogue from Landvision LLC to help with the design and planning of this project. Mr. Blank is aware that preliminary inquiries have been made to PennDOT about the access to the site from 472. As of this time, they have not received any definitive answer from PennDOT.

Mr. Newcomer had Mr. Blank confirm that they will be using water-based paints on the sheds. The painting is done inside the building. The building will be heated, but will not have air-conditioning. They do not anticipate noise from the generator interfering with neighbors, except maybe a little sound on the east side. Mr. Blank shared that noise from the air-guns can be heard from 500' away towards Maple Shade Road, but he does not feel this sound will be significant. The side of the building facing the Eschbach, Shoemaker properties and post office will be closed. There will only be an office door on that side of the building.

Mr. Newcomer shared Exhibit 4, which are photos of the property that gives an idea of the location of the proposed building and surrounding area neighbors. Mr. Blank confirmed Mr. Newcomer's descriptions for these photos.

The current business name is Oak Creek Sheds LLC.

The hearing was opened to audience members who had questions regarding the information provided by Mr. Newcomer and Mr. Blank.

Mr. Owen Ryan asked about how the building will be powered. Mr. Blank responded the building will be powered by a generator. The apartments have electric. Mr. Ryan expressed his concern about access from 472 and PennDOT's granting of approval based on other cases within the township.

Mrs. Becky Kleinz of 433 Liberty Lane asked for a more direct location of where the entrance will be on 472. Mr. Blank responded that they will be using the current driveway to the apartments located on 472.

Mrs. Peggy Borrelli asked about the large overhead doors and if they will be opened in the summer. Mr. Blank responded yes. Mrs. Borrelli had some concerns about the sound to the neighbors along 472. Mr. Blank responded that the large doors will face Maple Shade Road. There will be more noise heard from Maple Shade Road than from 472.

Mr. Stanley noted that he did not see Dixie Land on the adjacent neighbor list. Mr. Newcomer responded that he did not see them on the GIS, so that was his oversight.

Mr. Stanley asked if Mr. Blank will continue to use the apartments. Mr. Blank responded yes, he will continue to use the 4 apartments. Mr. Stanley noted that on the plan it shows a separate building noted as apartment. Mr. Blank responded that building is counted as part of the 4 apartments.

Mr. Stanley asked if there would be a living quarters in the proposed building. Mr. Blank responded no.

Mr. Stanley asked if Mr. Blank is aware that the property is currently listed in the Clean and Green Act 319. Mr. Blank responded yes. Mr. Stanley asked if notification of the proposed sale has been made. Mr. Blank responded no. Mr. Newcomer shared that they are aware of this property's status with Clean and Green and they will need to notify the assessment office.

Mr. Stanley asked if there would be any overhead doors on the north side of the building towards the Eschbach property. Mr. Blank responded no, there will only be an office door on this side.

Mr. Stanley asked if any trucks would be arriving during the businesses off hours. Mr. Blank responded that most of the time these are scheduled during the day.

Mr. Stanley questioned what would be in the loft area. Mr. Blank responded that area is for storage and there will be 1 man in the loft manufacturing trim.

Mrs. Rineer asked how many times the trash truck will be there. Mr. Blank responded once a month.

Mr. Eaby expressed concern about the 3 doors being open and the noise from the nail guns, because nail guns make a lot of noise. He referred to another case in the township that occurred years ago with another shed business located on Bell Road and the neighbor's complaints about the noise.

Ms. Cleary asked how sewage is provided to the apartments. Mr. Blank responded sewage is located on the lot. Ms. Cleary asked how sewage will be provided to the proposed building. Mr. Blank responded it will be on lot. Ms. Cleary asked how water will be provided. Mr. Blank responded on lot by a new well. Ms. Cleary asked if the soils have been tested. Mr. Blank responded no.

After hearing the additional testimony, there were no additional questions.

Mr. Newcomer called Mr. John Pogue from Landvision LLC located at 1821 Brubaker Run Road, Lancaster PA 17603. Landvision LLC is a land planning and landscape architecture consulting business. Mr. Pogue shared that he has a bachelor's degree in landscape architecture from Penn State and 30+ years experience in land planning and land development planning. He has worked on well over 200 projects, many similar to this type of project. Mr. Newcomer had Mr. Pogue confirm that he has been an expert witness in proceedings such as this. Mr. Newcomer requested that Mr. Pogue be recognized as an expert in the field of land planning and landscape architecture.

Ms. Cleary asked if Mr. Pogue was an RLA, he responded yes.

On motion of Mrs. Rineer, second of Mr. Eaby and approval of all members present, Mr. Pogue was recognized as an expert.

Mr. Newcomer asked Mr. Pogue to confirm that he has worked with the Blanks to help develop the proposed plan given to the Board this evening. Mr. Pogue confirmed. He shared a site plan (Exhibit 3) and described the location of the proposed building and the general physical characteristics of the project. Mr. Pogue shared a description of the location of existing buildings, proposed driveway and proposed building and existing pond. The slope is moderate.

Mr. Newcomer asked Mr. Pogue to confirm that the proposed access will be using the current driveway location, but with improvements to the driveway. PennDOT has been contacted and a scoping application has been submitted. No definitive answer has yet to be received. Mr. Newcomer asked if the request from 472 is not approved, is Mr. Pogue confident that access from Maple Shade Road could be achieved. Mr. Pogue responded yes. The tobacco barn would be removed. Trucks could pull on and off of either 472 or Maple Shade Road and would not need to back on or off of the roadway. The zoning ordinance requires 1 space for every 2 employees. Employees will not be driving, so the 8 spaces are adequate.

Mr. Pogue has confirmed that all setbacks comply with all requirements. The 2 principle buildings meet individual requirements as if they were individual lots, per Section 6.17. Light manufacturing would be a permitted special exception per the ordinance. Mr. Newcomer reviewed the special exception requirements of Section 15.03.01 with Mr. Pogue and Mr. Pogue confirmed that the proposed project meets these specifications. He is not aware of any violations. He is aware that a land development plan for this project is needed for screening. He also has no doubt that any storm water issues can be adequately dealt with.

Mr. Samuel Reinhart questioned if Gerard and Helen Stapleton on the adjacent neighbor list was the post office. Mr. Pogue responded yes. Mr. Reinhart shared that he has worked for Prange's for

many years and he has concerns that trucks turning left from the driveway will be on the post office. Mr. Pogue responded that the driveway will be moved and widened to allow for a turning radius. Mr. Reinhart shared concern about drivers having difficulty seeing. Mr. Pogue responded that PennDOT does not recognize poles as obstructions.

Mr. Owen Ryan asked if there was a plan for entering and exiting off of Maple Shade Road. Mr. Pogue shared that PennDOT is not in the habit of denying access to a property. There is a possibility from both roads for access that meets PennDOT standards.

Ms. Cleary asked Mr. Pogue if both streets are managed by PennDOT. Mr. Pogue responded that was correct. Ms. Cleary responded that PennDOT could say no to access from 472, but could say access can be granted from Maple Shade Road. They would not be denying access to the property.

Mr. Scott Kulicke asked what access to Maple Shade Road would look like and approximately where would it be. Mr. Pogue responded that they would prefer it line up with access on the other side of Maple Shade Road. It would most likely line up with one of the two driveways that Prange's have. It would be designed to avoid the rental units.

Mrs. Becky Kleinz has concerns about widening the driveway and the intersection and truck traffic from Prange's and Dixie Land. This is also a hazard for the post office. She asked if they would reconsider the entrance and make it off of Maple Shade Road. Mr. Newcomer responded that this is a PennDOT issue that PennDOT will look at. He feels this is PennDOT's call. Ms. Cleary disagrees with this statement. The Board can impose a condition saying that access cannot be off of 472, as long as PennDOT does not say access cannot be off of Maple Shade Road.

Mr. Owen Ryan asked why there is not a plan to access the site off of Maple Shade Road. Mr. Pogue shared that PennDOT has a process for evaluating entrances. They have requirements that need to be met. They believe these requirements can be met with modifications to the current driveway. They do not see any significant increase in the number of truck traffic. There will be issues such as storm drainage involved with moving the access to Maple Shade Road.

Ms. Cleary noted that Mr. Pogue gave very cursory testimony that the plan meets Section 6.17 of the zoning ordinance. No hypothetical plot lines are drawn on the plans. There are no dimensions. She does not see any evidence of 2 lots meeting the requirements without overlap based on these plans. Mr. Pogue shared that was not his interpretation of meeting the standards of each use of what the proposed property lines would look like. Ms. Cleary noted that there are no dimensions on the plan to indicate how much frontage is on either street. Mr. Newcomer asked Mr. Pogue to use a scale to measure the areas on the site plan. Mr. Pogue, using the site plan of Exhibit 3, measured the requirements. Mr. Newcomer asked for a continuance to next month if there is concern that the plan doesn't show plot lines. Ms. Cleary asked the Board if they would like a plan showing lines drawn, to which Mr. Stanley and Mrs. Rineer responded yes.

Mr. Scott Kulicke asked for clarification on the 2 principle uses. He counts 4 rental residences. Mr. Pogue responded that there are 2 buildings that have apartments. The other buildings are out buildings. There are 3 apartments in the larger building and 1 in the smaller building. Ms. Cleary noted that the smaller building would be a single family detached dwelling. Mr. Newcomer responded this will be addressed in the revised plan.

Ms. Cleary would like all of the buildings to be defined and what their principle uses are on the revised plan as well as dimensions. Ms. Cleary would like the new plan to show what buildings will remain and which will be removed. Mr. Newcomer responded that if the continuance is granted, they will look at all of these issues and address any inconsistencies.

Mr. Samuel Reinhart asked what size trailers will be used to haul the sheds. Mr. Blank responded 48' trailers.

Mr. Stanley noted that the current deed shows the owners as Jacob and Daniel King and James Shoemaker. Mr. Newcomer shared that there is a lot add-on that indentifies Mr. Shoemaker, but he is not part of this request. Mr. Newcomer will look into this, he was not aware of this 2 acre subdivision until this evening. Ms. Cleary noted that there could be a violation with the subdivision ordinance. Mr. Newcomer will clarify this as well.

Ms. Cleary asked the Board to consider granting a continuance until the May 3, 2023 meeting. On motion of Mr. Eaby, second of Mrs. Rineer and approval of all members present, the Board agreed to a continuance.

Ms. Cleary shared that the continuance of this hearing will be held on Wednesday, May 3, 2023 at 7:00 p.m. at this location. This continuance does not have to be re-advertised.

There being no further items of business, the meeting adjourned at 8:36 p.m. on motion of Mr. Eaby, second of Mrs. Rineer and approval of all members present.

Respectfully Submitted,

Cheryl L. Todd, Zoning Hearing Board Secretary