

Manor Township Zoning Hearing Board

Wednesday, September 6, 2017

7:00 p.m.

Chairman Chris Peris called the Manor Township Zoning Hearing Board meeting to order in the Manor Township Municipal Building located at 950 West Fairway Drive, Lancaster, Pennsylvania on Wednesday, September 6, 2017 at 7:00 p.m. Chairman Peris introduced the Board and led those in attendance in the Pledge of Allegiance to the Flag.

Members Present: Bradley Singer, Chris Peris, and Missy Charles
Township Officials Present: James McManus, Nate Taggart, and Ryan Strohecker
Visitors: See attached Sign-In Sheet

Approval of Minutes from May 3, 2017 Meeting – Chairman Peris made a motion to approve the May 3, 2017 meeting minutes as they have been submitted. Bradley Singer so motioned, Missy Charles seconded, and the motion carried unanimously.

New Business

Case #2-2017 – The application of Turkey Hill Dairy, LP, property located at 2601 River Road, Conestoga, PA 17516, account #410-27765-0-0000 for a Variance from Section 425-41.O.2.a in accordance with Section 425-123.D-Variations. The Applicant would like to remove interior landscape islands from an existing parking lot. The property is zoned Industrial (I).

James McManus asked if the Applicant was present. The Applicant Bill Gregory was present. Mr. Gregory is being represented by Todd Smeigh, DC Gohn Associates.

Bill Gregory, Todd Smeigh, and Nate Taggart were sworn in.

Mr. McManus asked Nate Taggart, Zoning Officer & Planning Director of Manor Township, if application #2-2017, Turkey Hill Dairy, LP was received. The application consisted of a completed standard township form, a narrative, Quick Claim Deed, four photographs, and a site plan. The application, together with the contents, was marked as Exhibit #1. A notice of the time, date, place, and subject matter was published in the Lancaster Newspapers on August 23 and August 30, 2017. Proof of publication was marked as Exhibit #2. The property, which is the subject of this application, was posted with a notice of the time, date, place, and subject matter on August 28, 2017. The notice was the same that was published in the Lancaster Newspaper. The same notice was placed on the bulletin board in the lobby of the Manor Township Municipal Building on August 28, 2017. The notice was sent to adjoining property owners with time, date, place, and subject matter. The names and addresses of recipients was marked as Exhibit #3.

Todd Smeigh, DC Gohn Associates distributed updated copies of the narrative which corrects the square feet from 30,000 to 3,000. Another document submitted and distributed to the Board is a recorded agreement between PPL and Turkey Hill Dairy, LP and requested be marked as Exhibit #4. Mr. Smeigh made a presentation that shows the property from an aerial view. The area of concern is the interior grass islands within the employee vehicle parking lot and the continued erosion and maintenance of those grass islands. This parking area is for employees only and is not visible from the roadway. The parking lot is directly under the existing PPL right-of-way, point being, there is very little ground on the property that is useable. Due to restrictions by PPL, there are limits to what can be placed in the right-of-way. The placement of the parking lot made the most sense. To meet the requirements of the Township's ordinance, the islands presented were to be grass. Over a course of three years, the upkeep of the grassy area has become an issue. In short, Turkey Hill would like to eliminate the maintenance and the erosion. Water quality is preserved by design of the site and there is plenty of green space and buffer around the perimeter of the site. The request is for a variance to convert the parking lot to primarily an industrial lot which will not adversely affect the surrounding the property.

Mr. McManus asked if there is any effect on provision for stormwater management and conveyance with respect to the request.

Mr. Smead responded, no.

Chris Peris stated that the testimony is concluded and added that the decision will be rendered at next month's meeting, Tuesday, October 17, 2017 at 7:00 p.m.

Case #3-2017 – The application of Rohrer Dairy Farm Properties, LP, property located at 126 Charlestown Road, Washington Boro, PA 17582, account #410-03859-0-0000 for a Special Exception of Section 425-11.G.1 in accordance with Section 425-123.C-Application for Special Exception. The Applicant would like to be allowed up to 20 percent lot coverage for proposed improvements. The property is zoned Agricultural (A).

Mr. McManus asked Nate Taggart, Zoning Officer & Planning Director of Manor Township, if application #3-2017, Rohrer Dairy Farm Properties, LP was received. The application consisted of a completed standard township form, a narrative, and a set of plans. The application, together with the contents, was marked as Exhibit #1. A notice of the time, date, place, and subject matter was published in the Lancaster Newspapers on August 23 and August 30, 2017. Proof of publication was marked as Exhibit #2. The property, which is the subject of this application, was posted with a notice of the time, date, place, and subject matter on August 28, 2017. The notice was the same that was published in the Lancaster Newspaper. The same notice was placed on the bulletin board in the lobby of the Manor Township Municipal Building on August 28, 2017. The notice was sent to adjoining property owners with time, date, place, and subject matter. The names and addresses of recipients was marked as Exhibit #3.

James McManus asked if the Applicant was present. The Applicants Bob Rohrer and Mike Rohrer along with Peter Hughes of Red Barn Consulting were sworn in.

Peter Hughes of Red Barn Consulting, representing the Rohrer's, is seeking exception of 425-11.G.1 which has to do with maximum lot coverage. Stated within the Manor Township Ordinance that agricultural, horticultural and forestry related uses may be increased to not more than 20 percent by special exception of the Zoning Hearing Board. The operation is located at 124 Charlestown Road, Washington Boro, PA 17582. A family operation with management being overseen by three brothers, two of whom are present this evening. The Applicant would like to reinvest within their dairy and build new structures. This would consist of a new building for animals and primarily a new milking parlor. The subject property consists of 219.9 acres. Having gone through a land development process in 2013, at that time, the property was two different tracts. In order to meet the 10 percent requirement at that time, they joined those two tracts together. With the proposed structures, currently there is 7.58 percent coverage of impervious area. With the proposed expansion, 11.13 percent lot coverage is expected. Mr. Hughes advised his clients that if future expansion would happen, that within the decision of the Board, if 20 percent is too much to ask for, they are at least seeking more than the 11.13 percent so they are not constraint by that. All information has been provided along with informative site plans.

James McManus asked Mr. Hughes how the lot coverage was calculated.

Mr. Hughes responded they utilized survey work that had been done before within the land development process and calculated what is on the property.

Mr. Hughes noted on the plans are future dairy expansions. Areas are marked and labeled. This shows the Board areas of growth that might reach up to the 15, 16, or 17 percent of total lot coverage.

Mr. McManus asked Mr. Hughes to outline, in marker, the additional lot coverage on the plan.

Chris Peris stated that the testimony is concluded and added that the decision will be rendered at next month's meeting, Tuesday, October 17, 2017 at 7:00 p.m.

Case #4-2017 – The application of M. Dale Slaymaker, The Slaymaker Group and Slaymaker Electric & Supply Co., property located at 146 Penn Street, Washington Boro, PA 17582, account #410-68920-0-0000 for a Variance from Section 425-11.B in accordance with Section 425-123.D – Variances, or in the alternative, a Variance by Estoppel. The Applicant would like to continue the operation of the property in accordance with its established use. The property is zoned Agricultural (A).

Mr. McManus asked Nate Taggart, Zoning Officer & Planning Director of Manor Township, if application #4-2017, M. Dale Slaymaker, The Slaymaker Group and Slaymaker Electric Supply Co. was received. The application consisted of a completed standard township form, a two

page supplemental narrative, and aerial photo. The application, together with the contents, was marked as Exhibit #1. A notice of the time, date, place, and subject matter was published in the Lancaster Newspapers on August 23 and August 30, 2017. Proof of publication was marked as Exhibit #2. The property, which is the subject of this application, was posted with a notice of the time, date, place, and subject matter on August 28, 2017. The notice was the same that was published in the Lancaster Newspaper. The same notice was placed on the bulletin board in the lobby of the Manor Township Municipal Building on August 28, 2017. The notice was sent to adjoining property owners with time, date, place, and subject matter. The names and addresses of recipients was marked as Exhibit #3.

Mike Grab, Attorney from Nikolaus & Hohenadel, LLP, representing M. Dale Slaymaker and Jonathan Slaymaker. Representing the Township is J. Ryan Strohecker, Township Manager. The applicants were sworn in.

Mike Grab, representing the Applicants, is requesting a variance to allow a business use that has evolved since essentially 1986 on the property of 146 Penn Street. The Applicant has requested a variance to continue the current use, but has also requested a variance by estoppel. A variance by estoppel is a concept under the Pennsylvania Zoning Law which allows circumstance such as this to be addressed where the use evolves over time, that everyone is aware of, good faith on part of the property owner to advise the township of the nature of use that is occurring there, but where there is a technical non-compliance. That is the purpose of the variance by estoppel.

Mr. Grab proceeded with M. Dale Slaymaker and Exhibit #4, which consists of several pages. Included in the packet is a copy of the deed of the property and a Lancaster County GIS photo of the property. In 1986, Mr. Slaymaker acquired ownership of the property. In 2009 the deed was added onto by adjoining a small strip of land from an adjoining property. The adjacent strip of land was acquired due to the business expansion. Exhibit #4 consists of the current deeds for the property as well as pictorial description of what the property and buildings look like.

Mr. Slaymaker stated when the property was acquired in 1986, use consisted of chickens and a small motor shop. They did custom work for farmers in the neighborhood.

Mr. Grab had Mr. Slaymaker proceed with step by step details of the growth pertaining to the family business. Mr. Slaymaker stated initially, small motors and electrical work was approved to be done. What started out small grew just by word of mouth from neighbors. Rental of equipment started out by neighbors asking for motors or equipment that could be used. Customer base at that time was basically neighbors, residents, and farmers in the immediate area. Over a course of time, the buildings were used more for business use. Additional structures were built on the property and appropriate zoning/building permits were applied for and approved by the Township. All while maintaining an Agricultural zone.

The business is family based and consists of 20 employees. Mr. Slaymaker stated over the years that his neighbors have never voiced a complaint about the business. It was also noted that no citations have been received from the Township.

Mr. Grab continued that from 1986 until present, expansion has been substantial in means of sums of money. This expansion in the business was due to growing in order to help meet the demands of customers. The expansion brought the need for construction of buildings, purchasing equipment, and improvements to the property.

Mr. McManus inquired about the property and the combination of business use, which consists of equipment leasing and repairing electrical equipment, all while maintaining an Agricultural zone, consisting of chickens and crops.

Mr. McManus remarked the request of the Applicant is a use variance. Mr. Grab responded that the use is not permitted arguably by right. The business use evolved on the property and is still encompassed in the original 1986 zoning hearing board grant of approval to repair motors and do electrical work. The Applicant has no alternative other than to ask for a variance.

Mr. McManus asked if the request for a variance is for only the uses that are now in non-agricultural that would not otherwise be permitted.

Mr. Grab responded that is correct.

Mr. Grab in correspondence with Dale Slaymaker, relayed that the request is for the property to continue being used as it currently exists. It is also with the understanding that if any future expansion were to take place, the Slaymaker's must come back before the Zoning Hearing Board and request approval of that expansion.

Amy Heslin, 124 Penn Street, commented on the property's use and the concern she has for the fields that are currently being used for crops that adjoin her property.

Brad inquired about the chicken house and the condition of the building and that it is currently an active chicken house.

Mr. Slaymaker responded that interior work was done on the chicken house to bring it up to date. This consisted of replacing tin on the interior inside walls and roof. It is a functioning chicken house.

Ryan Strohecker provided some clarity on the historical perspective from the Township and how it has gotten to this point. The Township has had some calls from the community asking how the property has gotten to the stage that it is now and if everything is compliant. That led to research and looking into the use of the property and any documentation. The Zoning Hearing Board case of 1986, and uses that were granted at that time, are very specific to the business that is still being conducted until this day. However, as noted in previous testimony,

there are other uses occurring on the property. A meeting took place with the Slaymaker's to find out exactly what is going on with the property. In meeting with the Slaymaker's and reaching out to the former zoning officer and township manager, there was a lot of ambiguity on how the property got to where it was today. Testimony has shown that the business just grew over time. The recommendation by the Township was for the Slaymaker's to contact an engineering firm or a lawyer and go before the Zoning Hearing Board process. The Township asked they move forward in this matter to be in compliance. Then if concern does come in from residents, things were done the way they should be. On behalf of the Supervisors and the Township, they are in support of the Slaymaker's and are hoping to get to a point of compliance.

David Hess, 124 Penn Street, voiced his concern about the growth of the business and the truck traffic and the use of engine breaks. Another concern is the outdoor paging system.

Chris Peris stated that the testimony is concluded and added that the decision will be rendered at next month's meeting, Tuesday, October 17, 2017 at 7:00 p.m.

Meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Alexander D. Egner
Secretary

Recording Secretary
Teresa Strubel