

Manor Township Zoning Hearing Board Minutes

Wednesday, May 1, 2024

Time: 7:00 p.m.

Chairman, Bradley Singer called the Manor Township Zoning Hearing Board meeting to order in the Manor Township Municipal Building located at 950 West Fairway Drive, Lancaster, PA 17603 on May 1, 2024 at 7:00 p.m. Chairman Singer led those in attendance in the Pledge of Allegiance and introduced the Board.

Members Present: Bradley Singer, Jeffery Klugh and Scott Ream

Staff Present: Nate Taggart and Peg Hess

Township Solicitor: Susan P Peipher

Visitors: See attached Sign-In Sheet

Previous Month Minutes – Jeff Klugh made a motion to approve the April 3, 2023 meeting minutes as they have been submitted. Scott Ream seconded, and the motion carried unanimously.

New Business

Solicitor Peipher explained the procedure that the Board will follow for the hearings.

- A. Case #6-2024: Old Blue Rock Properties, LLC, 414 East King Street, Lancaster, PA 17602. The applicant is requesting a Special Exception pursuant to Section 425-425-13.C(5) & 425-77.1 of the Zoning Ordinance to permit the storage of headstones on the subject property. The property in question is located at 321 Old Blue Rock Rd, Millersville, PA 17551, Tax ID 410-31740-0-0000 and is in the Low-Density Residential (RL) Zone. Attorney Rylee Noetzel, of Barley Snyder and Kathy Guidos, Manager of Heritage Monuments were sworn in. This property as well as 320 Old Blue Rock Road office facility is owned by Heritage Monuments. Both properties were previously owned by Sheid's Funeral Home. The Applicant was denied last year a Variance request pertaining to this property to use in conjunction with 320 Old Blue Rock Road. Since that time, a Text Amendment has been approved by the Manor Township Supervisors regarding this issue and tailored to this application authorizing ancillary storage of headstones or funeral related storage on properties adjoining funeral homes in the limited commercial district. Heritage Monuments is here tonight for a Special Exception Approval to allow outdoor monuments and gravestones to be stored on the property. Heritage Monument business would be overseeing the loading and unloading of the headstones as it is directly across the street. There would be a forklift used to load and unload. The forklift would be stored in the existing garage. A stationary lift might be considered in the future. Existing mature trees screen one side of the property as well as a creek along the north side. The existing garage screens the property along the west. With said screening, this would not be detrimental to the neighborhood and the gravestones will be the only item stored outside. No employees are at this location as they do work across the street at the 320 Old Blue Rock Road office building and no parking is necessary. This will always be an ancillary and subordinate to the residential use of the property. There is an existing resident at said property. This operation will be done during normal business hours of 8 am to 5 pm Monday through Friday but very intermittently. It will only be used to load and unload the headstones as needed. Along with the application is a letter from the delivery service stating that the trucks would be able to access the site to load and unload the headstones. The driveway will be widened because of this commercial use, which will be dealt with after this approval. Kathy Guidos confirmed the explanation of usage as Attorney Noetzel

spoke. Ms. Guidos commented that support letters from the neighbors have been received. It was confirmed to Jeff Klugh that the only property change is the widening of the driveway. Chairman Singer inquired clarity on where the headstones will be stored. Ms. Guidos stated that the northern area and/or rear of property, approximately 5000 sf, and crosshatched on the Exhibit would be the location of the headstone storage. Solicitor Peipher inquired how many headstones would be stored at any one time. Ms. Guidos stated that approximately 10 headstones are delivered at a time with delivery occurring every other week. A possibility of 30 headstones could be stored there. No Public comment. Testimony was closed. Jeff Klugh made a motion to approve the Applicants request for the Special Exception, Scott Ream seconded, and the motion carried unanimously.

- B. Case #7-2024:** Town & Country Fuel, LLC, 3031 Anchor Rd, Washington Boro, PA 17582. The applicant is requesting a Special Exception under section 425-114 (Substitution of non-conforming use) and a Variance from section 425-11.G(4) (Maximum Lot Coverage) of the Zoning Ordinance. The current use of the subject property is a non-conforming personal care boarding home. The applicant is proposing to substitute the existing use with the non-conforming use of a commercial office and operations center for a fuel delivery business. Applicant also requests approval to not exceed a total lot coverage area of 40%. The property in question is located at 3028 Anchor Rd, Washington Boro, PA 17582, Tax ID 410-32078-0-0000 and is in the Agricultural (A) Zone. Attorney Matt Crane, Nikolaus & Hohenadel, Gerald Shertzer from Town & Country Fuel, and Todd Shopf, Pioneer Management were all sworn in. Attorney Crane explained the background of the property, whereas it was a Township building and in 1982 was transitioned to a personal care home. Both the Township use, and the personal care home use by definition were a public use and a Special Exception Use. They are proposing a substitution of the uses. By definition, a non-conforming use is protected and permitted to grow in a limited fashion in size and grow economically and financially to remain a viable business. Many times, this clashes with the dimensional requirements that the courts have said that the non-conforming status of the property is the hardship. Because it needs to operate but it cannot conform. Gerald Shertzer thinks the use of the proposed property will not have a negative impact on the community as they are currently operating across the street at 3013 Anchor Rd. The intended use of the property would be an operating facility for Town & Country Fuel. Mr. Shertzer explained the relationship between Town & Country Fuel and their existing landscape business. Services were swapped between the two companies based upon the season we were in. Town & Country Fuel was purchased in 2009 to allow wintertime work for the landscaping company they already managed. The company has grown to 10 staff employees, including part time help with 17 employees in the wintertime. Town & Country Fuel services York and Lancaster County with 7 fuel delivery trucks and 3 propane trucks. They offer home heating oil, off-road diesel, on-road diesel, kerosene, and propane. Approximately 20% of business is Ag related, 20% commercial, and 60% home heating oil. Attorney Crane inquired if fuel oil or propane storage will occur on proposed property. Mr. Shertzer commented that they do not have on-site fuel storage tanks. The delivery trucks will have fuel products picked up from a third party provider and delivered to their customers. The proposed property would be used for parking vehicles only. The storage of fuel on the property is to fuel the delivery trucks only. There are no changes proposed for the building footprint. Todd Shopf explained the aerial plan being discussed using a GIS boundary. The tract is approximately 5.9 acres, Zoned Agriculture. The existing 11,000 sf building is U-shaped and was a personal care facility. The proposed layout shows the existing building unchanged. There is an existing barn on the northeastern part of the tract which is approximately 23,000 – 25,000 sf. The frontage is on Anchor Road and has three points of access onto the road. Proposed access onto the property will be the western entrance. The two eastern accesses will be closed to combine them to make one access drive that would be directly across the street from the current Town & Country access drive. There will be 32 proposed parking stalls, the Zoning Ordinance calls for 28. The access drive allows interior circulation for the trucks visiting the site and one loading

stall per the Ordinance. The existing barn will remain and an approximate 3000 sf pole building will be built for storage. A concrete pad will be constructed near center of the tract for parking of the delivery trucks. Landscaping will be done including a buffer on the east side of the tract for the neighbors. It is understood a Land Development Plan still needs to be submitted to the Planning Commission and Supervisors and will meet all landscaping requirements. A Stormwater Development Plan needs to be done but they anticipate a stormwater basin will be on the northeast corner of the tract. The current well will be utilized. The on-lot disposal system will most likely be relocated to the southeast corner of the tract. Mr. Shopf confirmed to Attorney Crane that the property has not been sold yet. The site has been balanced with parking stalls regarding impervious coverage after a meeting with the Zoning Officer. If the Zoning Hearing Boards grants the Special Exception request the lot coverage will not exceed 40%, and currently is estimated at 34-35% based on the GIS drawings. There will be two 1000 gallon storage tanks, one gasoline and one diesel, on the property per Scott Reams inquiry. Running sheds for possible future pasture use were pointed out on the plan for Scott Ream. Propane tanks will be stored outside in front of the existing barn. Reconditioning propane tanks is not something they currently do but could in the future. The truck parking will move to this location creating a dedicated location for the Town & Country Fuel operation. The parking of the delivery trucks in the evening will include already fueled trucks and empty fuel trucks. The pole barn will be used for trailer storage and maintenance of their trucks. Straight trucks are the type of trucks used. Scott Ream asked if they would construct a paint booth? Mr. Shertzer commented that if in the future they reconditioned tanks frequently, they would create such. Solicitor Peipher inquired if there would be other storage in the pole barn other than trucks, the answer was no. The existing barn would be for reconditioning, washing, and storage of additives for the fuels. Michael Shertzer was affirmed and answered that the fuel additives are either mixed on-site or at customer location. These are in 2 gallon jugs typically. It was confirmed that the operations to be done on the proposed property are already occurring on the existing location across the street. Solicitor Peipher inquired if there will be wash bays at the facility. Mr. Shertzer answered that they will construct an area by the existing barn and fuel tank storage. This would be an exterior stoned area, the drawing of such was not on current site plan. Stone is considered impervious in Manor Township but would be counted in the lot coverage calculation. Currently there are no other plans to build any new buildings other than what is shown on the current site plan, but if the business grows a possibility could occur. Public comment was taken by Boni Berdiner-Zeigler, 1170 Central Manor Road, inquired about the washing of vehicles and water run-off. That would be addressed in design to control water run-off and any additional buildings would constitute a new development plan. Ms. Berdiner-Zeigler is in favor of the project and questioned earlier comment that the Township office was at this location. Attorney Crane gave closing comments that the standard non-conforming use is that no proposed use is no more impactful on the neighborhood than the existing use. The proposed use is already existing in the neighborhood, they are just relocating to another property. 20% lot coverage is the maximum in the Ag District. In the Zoning Districts that Town & Country would be a permitted use, the maximum lot coverage is 60%-70%. This reflects the scale that these types of uses would be designed to fit. The Applicant is proposing 40% lot coverage, more coverage than Ag District permits, but designed mindfully to be only what it needs to operate including some expansion as to only warrant a Stormwater Plan once. Per the Ordinance Section 525-11(g)(3), states that if the personal care facility were still operating, as a non-conforming public use, it would be permitted up to 70% impervious to account for the needs of parking, etc. The Applicant feels that their non-conforming status confers a hardship for the Boards consideration. The 40% coverage should be allowable on such a large property. Per Attorney Crane's inquiry, Todd Shopf thought the proposed site plan would be able to meet 99% of the Township's Land Planning and Stormwater Management Ordinances. The impact to the neighborhood is de minimis even with the hardship. Testimony was closed. Chairman Singer requested a short break. Meeting reconvened. Jeff Klugh

made a motion to Approve the Applicants request for the Special Exception and for the Variance, Scott Ream seconded, and the motion carried unanimously.

The next meeting will be held June 5, 2024 at 7:00 pm at the Manor Township Municipal Office at 950 W Fairway Avenue, Lancaster.

Chairman Singer commented that there was no further business to discuss. Jeff Klugh made a motion to adjourn the meeting. Scott Ream seconded, and the meeting adjourned at 8:07 pm.

Respectfully Submitted,

Jeffrey Klugh

Secretary

Recording Secretary
Peg Hess