



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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Minutes of a Special Meeting of The Mount Joy Township Zoning Hearing Board Tuesday, January 17, 2023

1. Chairman Thomas N. Campbell called the meeting to order at 6:00 P.M. in the Elizabethtown Area School District Middle School Auditorium, 600 East High Street, Elizabethtown, PA 17022.
2. Meeting Attendance:
 - Members Present: Thomas N. Campbell, James E. Hershey, and Gregory R. Hitz, Sr.
 - Members Absent: None
 - Alternate Member Present: Robert F. Newton, Jr.
 - Township Representatives: Josele Cleary, Esq., Township Solicitor and Justin S. Evans, Township Manager/Zoning Officer
 - Lancaster County Court Reporter: Veronica Sandbakken
 - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
3. Appointment of Officers

A motion was made by Gregory R. Hitz, Sr. and seconded by James E. Hershey to appoint Thomas N. Campbell as Chairman. All members present voted in favor of the motion.

A motion was made by Thomas N. Campbell and seconded by Gregory R. Hitz, Sr. to appoint James E. Hershey as Vice Chairman. All members present voted in favor of the motion.

A motion was made by Thomas N. Campbell and seconded by James E. Hershey to appoint Gregory R. Hitz, Sr. as Secretary. All members present voted in favor of the motion.
4. Approve & ratify the minutes of the December 7, 2022 meeting

A motion was made by Gregory R. Hitz, Sr. and seconded by James E. Hershey to approve and ratify the December 7, 2022 meeting minutes. All members present voted in favor of the motion.
5. Mr. Evans, Township Zoning Officer, stated that a Public Notice was published in the December 30, 2022 and January 6, 2023 editions of the LNP. The subject property was posted on January 5, 2023.
6. Procedural briefing by the Zoning Hearing Board Solicitor
7. Swearing-in of all potential witnesses by the Court Reporter

The Board requested all members of the public who wish to become parties to the hearing make their request for standing and be sworn in. The following individuals requested standing as party status:

 - Michelle Kennedy, 2635 Stauffer Road – adjoiner to site (no objection from the applicant)
 - Bobbi Thompson, 8226 Elizabethtown Road – landowner of 2635 Stauffer Road, adjacent to site (no objection from the applicant)
 - Randy Stevens, 2541 Mount Pleasant Road – lives five houses away from site (no objection from the applicant)

- Sarah Haines, 1489 Grandview Road – landowner located approximately ¼ miles away (no objection from the applicant)
- Donna Bucher, 680 Cloverleaf Road – resident at corner of Cloverleaf Road and Schwanger Road (no objection from the applicant)
- Thomas McKinne, 2366 Valley View Road – resident approximately 1-1/2 miles away (objected by applicant); Mr. McKinne withdrew his request for party status
- Joelle Myers, 2706 Mount Pleasant Road – lives across Mount Pleasant Road from the site (no objection from the applicant)
- Allen Sollenberger, 1437 Grandview Road – adjoiner to site (no objection from the applicant)

A motion was made by James E. Hershey and seconded by Gregory R. Hitz, Sr. to accept the seven requests (Kennedy, Thompson, Stevens, Haines, Bucher, Myers, and Sollenberger) for party status. All members present voted in favor of the motion.

Attorney Henry noted for the record that the Township is automatically party to the hearing.

8. Old Business: NONE

9. Zoning Case #230001:

- a. Applicant: PDC Northeast LPIV, LLC
- b. Landowner: Franklin B. Greiner, Jr.
- c. Property Location: 2843 Mount Pleasant Road, Mount Joy, PA 17552; Tax Parcel ID #461-89922-0-0000
- d. Zoning District: LI, Light Industrial District
- e. Special Exception Requests:

- 1) Chapter 135, Article XVII, §135-163.B & §135-163.C to permit an industrial use on the subject property.

The applicant was represented by Attorney Esch McCombie of McNeese Wallace & Nurick LLC, Joe Peters from Panattoni, Jeremy Bittinger of Landworks Civil Design, LLC, and Jarred Neal, PE of Traffic Planning & Design. A packet containing the following exhibits were provided to the Board prior to the hearing:

- A-1: Zoning Application
- A-2: Jeremy Bittinger Resume
- A-3: Aerial Map of Property
- A-4: Concept Plan with Potential Future Building
- A-5: Landscape and Lighting Plan
- A-6: Lighting Details Sheet
- A-7: Performance Report by Landworks Civil Design
- A-8: Building Rendering
- A-9: Building Elevations
- A-10: Conditions of Approval
- A-11: Jarred Neal Resume
- A-12: TPD Letter Dated 12/22/22
- A-13: Steel Way/Cloverleaf Road Improvement Plan Dated 1/11/23

The requested special exceptions pertain to warehousing and distribution greater than 50,000 sf. for materials not specifically listed in the Light Industrial District. A pending petition to amend the Zoning Ordinance before the Board of Supervisors is related to this hearing for the construction of four warehouse buildings and the rezoning of multiple properties to General Industrial. A specific user approached Panattoni for the construction and use of the warehouse subject to this hearing.

The applicant's team was sworn in by the court reporter. Mr. Bittinger presented his professional credentials to the Board. A motion was made by Gregory R. Hitz, Sr. and seconded by James E. Hershey to accept Mr. Bittinger as an expert witness.

Mr. Bittinger oriented the site to the Board and testified to the following:

- Mount Pleasant Road is designated as a collector by the Township Zoning Ordinance.
- The property is zoned LI - Light Industrial.
- Abutting zoning districts include Agricultural to the north and east, and Light Industrial to the south and west.
- The property is not located in the Airport Overlay District.
- There are no historic buildings on the property.
- The property is served by police and fire protection.
- Current use is agricultural with some commercial storage.
- Wetlands, woods, and a stream also occupy the property.
- Exhibit A-4 shows the proposed building and an additional future building that is not part of this application. Approval of this application would not include the second future building.
- The proposed use is warehousing and distribution as permitted by special exception without specific criteria for the uses.
- The building will be between 40-50' in height with loading bays on the east and west sides of the building.
- Public sewer and water will be extended from Steel Way and the Route 283 interchange, respectively.
- Fire protection will be provided by a sprinkler system and an on-site water tank.
- The concept plan complies with the building setback and dimensional requirements for the lot.
- Access to the site will be provided by two driveways onto Mount Pleasant Road.
- 440 parking spaces will be provided for employees and 212 for trailers; and are sufficient to meet the minimum requirements and in such a manner to meet the required parking setbacks.
- No outdoor storage is proposed.
- The proposal will meet the maximum building and lot coverage requirements with 22% building coverage and 40% impervious coverage.
- The proposal meets the area and bulk requirements of the Light Industrial District.
- The property is a corner lot and development will not obstruct visibility at the Mount Pleasant Road/Stauffer Road intersection.
- No fences are proposed at this time.
- Four retaining walls are proposed, generally located near the south employee lot, at the northeast corner of the site, and near the western access road. A structural engineer will design the walls in accordance with the Zoning Ordinance and Uniform Construction Code. They will range between 5-30' in height and are setback more than 15' from the property lines.
- The proposed Steel Way extension will connect the existing public road with the site at an intersection with the western access and Mount Pleasant Road. This will channelize the truck traffic to and from the site. A PennDOT HOP is required to connect to the State roadway.
- Approximately 270 trees will be planted along the perimeter and within the parking lot; 32 trees in the south lot and 14 trees in the north employee lot. A double stacked row of evergreens are proposed, as is a berm along the residential properties. Seedlings will be planted in the basins and meadow mix in other less disturbed areas. The total count of proposed plantings is over and above the ordinance requirements to which the landscaping plan generally complies with.
- The nearest improvement to existing waterways or drainage swales is approximately 50', which complies with the minimum 30' setback. A waterway is located along the northern property line, with wetlands and a pond located towards the western end of the site.
- A total of 94 pole-mounted lights and wall packs create an illumination grid that complies with lighting requirements. Pole lights are 30' high and wall packs are 25' above finished grade.
- A building rendering was provided as a general reference to what the building will look like, pending end-user requirements.
- Conditions submitted as Exhibit A-10 pertain to multiple topics discussed in the testimony and demonstrate compliance with the ordinance as required by Section 135-383.B while providing additional protections.

- Existing public services such as utilities, police, and fire will apply to the site per Section 135-383.B(2).
- All requirements for circulation, parking, buffering, landscaping, lighting, etc. as generally discussed in Section 135-383.B(3) have been addressed in the application.
- The proposal will not materially injure the surrounding neighborhood as required by Section 135-383.B(4) because the area contains similar industrial uses like Greiner Industries (450,000-sf. facility). Additionally, the property is zoned Light Industrial which permits this use.
- The use will not create a significant hazard from toxic or explosive materials as required by Section 135-383.B(5). Additionally, the proposed warehouse is not unlike typical warehouses in the sense that it does not create additional effects upon the general public.

Exhibits A-1 through A-10 were submitted for the record without objection. Mr. Bittinger responded to a question about the wetland delineation, noting it was prepared by a wetland biologist. The Township did not object to the exhibits. A motion was made by Gregory R. Hitz, Sr. and seconded by James E. Hershey to accept Exhibits A-1 through A-10. All members present voted in favor of the motion.

Attorney Cleary asked Mr. Bittinger to explain the Highway Occupancy Permit process. It is issued by PennDOT and is needed for the intersection of the proposed western access drive and Steel Way because PennDOT controls how and where such intersections occur. The eastern driveway requires an HOP as well. There is not and will not in the future be access to the site from Stauffer Road.

Ms. Thompson asked why Greiner Industries was used as a comparable industrial use when the proposed warehouse has considerably more parking and maneuvering areas. Mr. Bittinger replied Greiner Industries is a large industrial use in the general neighborhood.

Ms. Bucher asked about the general flow of runoff from the site as well as fencing off stormwater facilities near the residences. Mr. Bittinger explained that stormwater generally will flow from the buildings to facilities constructed to the north, which outlet to a stream along the northern boundary that then flows eastward to a tributary of the Little Chiques Creek. She then asked about a water source for fire suppression. A tank of an unknown size will be used for that purpose similar to other industrial uses. He was involved in three projects using a tank for fire suppression. How tall will the building be? Between 40-50 feet as shown on the building rendering exhibit. Mr. Bittinger was asked generally about stormwater management. He replied that the facilities will be designed to address water quality, water volume, and rate control. The runoff will essentially be cleaned and slowed down.

Ms. Myers asked if information or an estimate from a realtor has been obtained to determine the effect of the warehouse on surrounding residential property values. Not that they are aware of. She asked if there was consideration to obtain a second opinion of the traffic study and proposed traffic improvements. That will be appropriate for another witness. Regarding a question about impacts to the power grid, Mr. Bittinger stated they are currently coordinating with PPL Electric Utilities. Questions about the traffic generation were deferred to the traffic engineer. Why was the building not situated further away from the residences and closer to Greiner Industries? Because the site planning for the larger building as well as a potential smaller second building necessitates this configuration.

Mr. Stevens questioned the classification of light industrial and the applicant's comparison of the proposed warehouse to the Greiner Industries facility. Mr. Bittinger could not recite the Zoning Ordinance's definition of light industrial, however, he confirmed the land use connection between this site and the nearby industrial uses like Greiner Industries. The proposed warehouse is allowed in the Light Industrial District specifically. How large will the water tower be? The height and dimensions are not known at this time and will be determined during the land development process. There is no comparable water tower near the subject property.

Ms. Thompson asked how much water runs off of a warehouse facility of this size at a rate of 1 inch/hour or per day. Mr. Bittinger did not have the runoff calculations but confirmed that the basins will be sized to accommodate the additional water. A regional impact report was not performed and Mr. Bittinger could not answer whether the applicant would be willing to do so. Appropriate agencies like the Conservation District and DEP will be part of the permitting process.

Mr. Stevens asked for a response specific to compliance with Section 135-326.G. Attorney McCombie stated it is covered in Exhibit A-7. What about Section 135-326.H regarding electrical disturbance? Mr. Bittinger stated that the Exhibit A-7 performance report covers their responses to the criteria set forth by Section 135-326. Mr. Stevens asked for responses to each criterion listed in 135-326, to which the applicant noted the project will comply and referred to

the report for answers. Attorney McCombie reiterated that these are performance standards that the facility will need to comply with once operable. A discussion took place about the extension of public water and sewer in regard to what was presented at a prior public meeting for a zoning amendment.

Mr. Campbell asked about the color and material of the building walls, and if the wall pack lights could reflect off of the building itself. Mr. Bittinger stated that these specific details are unknown at this time, but the lights have a forward throw distribution that will project the light onto the parking lot and not the wall.

Mr. Hitz referred to Section 135-326.G and Exhibit A-7 while asking about radioactive emissions. Mr. Bittinger testified that the use will not emit radioactivity.

Mr. Campbell asked if a tenant has been determined and if the use and recharging of electric freight vehicles is being planned for with this building and the prospective tenant. Not at this time. Mr. Hitz asked about backup electricity supply. Generators are typically used for backup supply with this type of use but that is outside of Mr. Bittinger's purview to answer.

Mr. Hershey asked to confirm any existing wetland areas. Mr. Bittinger confirmed the presence of wetlands as shown on the concept plan near the northern and northwestern edges of the site. The on-site wetland study was conducted by ECS Mid-Atlantic and submitted to DEP for review. The Department concurred with the findings.

Mr. Stevens asked if the pond on site is part of a migratory bird flyway. Mr. Bittinger is not qualified to answer the question but confirmed a PNDI search was conducted along with the wetlands investigation.

Mr. Neal of Traffic Planning and Design presented his professional credentials to the Board. He confirmed his role in the preparation of this application. A motion was made by Gregory R. Hitz, Sr. and seconded by James E. Hershey to accept Mr. Neal as an expert witness in traffic engineering with experience involving this type of land use.

Mr. Neal provided the following testimony:

- Referring to Exhibit A-12, the letter was intended to address Section 135-383.B(2). A full traffic study is not required for a zoning hearing but is being developed for the land development process. The letter presents trip generation numbers for the development based on ITE standards. It projects AM peak hour traffic consisting of 10 trucks and 65 passenger vehicles; and PM peak hour traffic of 15 trucks and 60 passenger vehicles. The ITE assumptions are generally consistent with the actual counts TPD has counted at similar facilities.
- Exhibit A-13 depicts improvements proposed at the intersection of Steel Way and Cloverleaf Road since Steel Way will be extended to the site. Radius improvements from the northbound approach are needed to keep turning trucks on the proper side of Cloverleaf Road.
- Further detail of the various proposed intersection improvements will be provided during land development and are subject to PennDOT approval through the HOP process.
- The proposed traffic improvements are sufficient to meet the Township's requirements, specifically accommodation of peak traffic per Section 135-383.B(2).
- Proposed conditions of approval in Exhibit A-10 also address the traffic improvements as set forth in Section 135-383.B, including a prohibition on trucks turning eastbound from the site onto Mount Pleasant Road.
- Traffic and roadway details provided in the application and exhibits were confirmed by Mr. Neal.

Exhibits A-11 through A-13 were submitted for the record. Attorney Cleary asked for confirmation that a PennDOT HOP will be required for the intersection improvements at Cloverleaf Road and Steel Way. Mr. Neal confirmed since that section of Cloverleaf Road is owned by the State. She asked if Steel Way currently terminated in a cul-de-sac turnaround and to confirm that the applicant proposes to extend the roadway so that it intersects with Mount Pleasant Road. Both aspects were confirmed. Based on Mr. Neal's professional judgement, is PennDOT likely to accept the proposed changes and improvements? Yes, although the proposal will have to go through the Department's review process. The improvements are consistent with what PennDOT has approved in the past in comparable circumstances. Mr. Neal has no reason to believe that the Steel Way extension's intersection with Cloverleaf Road would be rejected by the Department.

Mr. Stevens asked about widening Steel Way for the type of traffic proposed. Existing right-of-way for the extension was proposed by Greiner Industries and may have already been accepted by the Township. Additional land may be

needed to accommodate the required geometry and will be provided if so. Impacts to adjoining businesses on Steel Way would be limited to improvements within the public right-of-way. Has a traffic study been performed for Mount Pleasant Road? One is currently underway as part of the formal traffic study to be submitted to the Township and PennDOT. What about conflicts with existing trucks serving the nearby agricultural areas, especially at the Mount Pleasant Road/Cloverleaf Road intersection? Mr. Neal spoke about physical restrictions for trucks attempting to turn left onto Mount Pleasant Road from the site that would push them onto Steel Way Drive. He recounted his experience working with PennDOT in similar circumstances. Existing truck traffic on Mount Pleasant Road is not proposed to be affected by the project and its associated roadway improvements. Why are other intersections with Mount Pleasant Road like Snyder Road part of the traffic study? How will trucks from the site be restricted from other routes? Mr. Neal noted that all of these details are part of the study and will be documented thoroughly as required by PennDOT and the Township. The scope of that study is determined by those parties.

Mr. Neal stated that the Steel Way drive extension is presented as an alternative to using the tight turn at the Mount Pleasant Road/Cloverleaf Road intersection. The site is being designed to promote use of the extension.

Ms. Haines asked Mr. Neal to review the proposed entrances to the site and how they would function. The western access point ties into the Steel Way extension, which is approximately 2,000' from the Cloverleaf Road intersection. The eastern access point is closer to Stauffer Road and is designed for passenger vehicle traffic as opposed to tractor trailers. He then clarified the concept of peak hour traffic, which is generally determined as a function of traffic counts conducted on the adjacent street. A three-hour period in the morning and three-hour period in the afternoon is studied to determine peak hours for Mount Pleasant Road. The peak hour periods of the facility are based on the ITE manual that produces national standards for similar land uses. Peak hours for the facility and those for the roadway may differ, though the study focuses on impacts to the roadway created by the development.

Ms. Haines posed questions about traffic flow in the vicinity of the site and what will be done to improve intersections and the interchange. The access drives' and Steel Way's intersections with Mount Pleasant Road will be controlled by stop signs. Traffic on Mount Pleasant Road will not be required to stop at the proposed intersections. The goal is to create an easier path for trucks on the Steel Way extension to get to Cloverleaf Road. Ms. Haines contended that the distance from Steel Way to the Route 283 interchange is short enough to create congestion issues.

Ms. Myers asked for a second opinion on the traffic study. Mr. Neal reiterated that both PennDOT and the municipal engineers will review and comment on the study. What about clarification of the specific use, e.g. distribution center, fulfillment center, etc. and traffic generation without knowing the specific end user? The numbers are based on the prospective end user but they cannot be disclosed until a lease is signed, which will not happen until approvals are granted. How will the truck turning restriction onto Mount Pleasant Road be enforced? Options for physical barriers are being investigated to implement the restriction and will need to suit PennDOT requirements before being approved. What amounts and types of emissions will be generated by the trucks using the site? This is a question that the end-user would need to answer.

Ms. Myers asked if Mr. Neal's firm has ever served as the Township's traffic engineer? Yes. Is this a conflict of interest? No.

Mr. Stevens stated that the applicant should address the traffic and pollution issues before moving forward. Will a pollution study be provided by the applicant? Attorney McCombie said the facility will comply with the applicable laws of the Township and the Commonwealth. Does the applicant care about the community? Yes. They don't not care about the community and do not want to harm to the community.

Ms. Thompson asked about the proposed hours of the facility. 24 hours a day, seven days a week. What about noise travelling through the valley to nearby residents? Unanswered.

Ms. Haines asked for information on the decibel levels generated by the facility. It must comply with the laws on the books, regardless of the particular end user. What would the special exception grant for the application within the Light Industrial District? Attorney McCombie explained the special exception process with respect to the established procedure for approval. It is not an exception to the rule, however, it is a procedure for the applicant to gain approval through the Zoning Hearing Board, not directly from the Zoning Officer. The Zoning Ordinance requires industrial uses over 50,000 sf. in area to gain special exception approval. It does not specify a maximum facility size. Ms. Haines expressed concerns with noise and viewshed disruption negatively affecting her winery's bookings for weddings and other events.

As the clock approached 9:00 p.m., Attorney Henry stopped the testimony. Since a date could not be determined at this time, the continued hearing will need to be advertised and re-noticed for a date to be determined.

Thomas N. Campbell announced a continuance of the hearing to a later date under the terms discussed. All members present voted in favor of the motion.

10. Next hearing is scheduled for Wednesday, February 1, 2023, beginning at 7:00 p.m.
11. A motion was made by James E. Hershey and seconded by Gregory R. Hitz, Sr. to adjourn the meeting at 8:55 p.m. All members present voted in favor of the motion.

Respectfully Submitted,



Justin S. Evans, AICP
Township Manager/Zoning Officer

For: Gregory R. Hitz, Sr., Secretary
Mount Joy Township Zoning Hearing Board