



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022
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Minutes of the Regular Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, September 6, 2023

1. Chairman Gregory R. Hitz, Sr. called the meeting to order at 7:00 P.M. in the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022.
2. Meeting Attendance:
 - Members Present: Gregory R. Hitz, Sr. and Robert F. Newton, Jr.
 - Members Absent: James E. Hershey
 - Alternate Member Present: Roni K. Clark
 - Township Representatives: Justin S. Evans, Township Manager/Zoning Officer
 - Lancaster County Court Reporter: Angela N. Kilby
 - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
3. A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to approve and ratify the minutes of the July 5, 2023 and July 13, 2023 meetings. All members present voted in favor of the motion.
4. Mr. Evans, Township Zoning Officer, stated that a Public Notice was published in the August 17, 2023 and August 24, 2023 editions of the LNP. The subject property was posted on August 28, 2023.
5. Procedural briefing by the Zoning Hearing Board Solicitor
6. Swearing-in of all potential witnesses by the Court Reporter
7. ZHB Case #230008
 - a. Applicant: Jay Garman
 - b. Landowner: Carl S. & Nancy W. Garman
 - c. Property Location: 1267 Risser Mill Road, Mount Joy, PA 17552; Tax Parcel ID #461-10741-0-0000
 - d. Zoning District: A – Agricultural District
 - e. Special Exception Request:
 - 1) Chapter 135, Article IX, §135-83.G to permit a farm-related business in accordance with §135-227

Applicant Jay Garman and consultant John Williamson of TeamAg presented the application. Mr. Williamson noted that since the application was filed, Jay Garman purchased the property from his family. Exhibit A-1 was submitted, a zoning exhibit containing two sheets. Mr. Williamson described the proposed building that will store the mobile shelling business' equipment as well as hay and feed for the existing farming operation on the property. The proposal to locate Garman Ag LLC on the property as a farm-related business would use less than 49% of the building. Minor equipment repair related to the business is proposed per Section 135-227.F(2).

The business employs three people that are currently situated at 1551 Grandview Road. The subject property is a preserved farm and approval is required from the easement holder. Exhibit A-2 was submitted, a letter dated September 5, 2023 from the Lancaster County Agricultural Preserve Board staff regarding the proposed business proposed on the property.

Mr. Garman intends to park one over the road tractor trailer on the property as part of the business. This would be in compliance with Section 135-227.C. Typically the business receives one delivery per day from a panel truck or Amazon van. The applicant discussed and confirmed compliance with the applicable standards in Section 135-227.

The Zoning Officer's letter dated August 11, 2023 was reviewed and Mr. Garman accepted the proposed conditions therein. Mr. Hitz reiterated the four-employee maximum as stated in the Ordinance. Mr. Newton then asked the applicant to certify compliance with Section 135-227.A through .M.

A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to approve a Special Exception pursuant to Section 135-83.G of the Ordinance to permit a farm-related business in accordance with Section 135-227 of the Ordinance, subject to the following conditions:

1. The Applicant and/or the owner(s) of the Property shall comply with all other provisions contained in the Ordinance for which relief has not been requested or granted.
2. The Applicant shall file and obtain approval of a land development plan, or waiver thereof, from the Mount Joy Township Planning Commission.
3. The Applicant shall submit and gain approval of a stormwater management site plan through the Mount Joy Township Planning Commission or Township Engineer, as applicable.
4. The Applicant and any representative of the Applicant shall comply with and adhere to the testimony and any evidence presented to the Board at the hearing held on September 6, 2023 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

Stauffer Road resident Robert Miller expressed concern with the Garman family's business on Grandview Road. Tractor trailer traffic and wash water discharge onto the road are ongoing concerns there.

8. ZHB Case #230009

- a. Applicant/Landowner: Kulwinder (Kevin) Grewal / TS Land LLC
- b. Property Location: 467 Hershey Road, Elizabethtown, PA 17022; Tax Parcel ID #460-05687-0-0000
- c. Zoning District: MU – Mixed Use District
- d. Special Exception Request:
 - 1) Chapter 135, Article XV, §135-143.D to permit a vehicular fueling station in accordance with §135-268
- e. Variance Request:
 - 2) Chapter 135, Article XXII, §135-268.B to permit a vehicular fueling station without public water service

Attorney Victoria Storz of Nikolaus & Hohenadel and landowner Kulwinder Grewal presented the application. They noted that since the application was made, Mr. Grewal purchased the property in July through his company TS Land LLC. The application pertains to converting a vehicular repair shop to a convenience store with vehicular fuel pumps. The property contains one building that has recently been vacated. It will be renovated for use to sell fuel, snacks, and similar products.

Exhibit A-1 was submitted, a conceptual development plan with dimensions containing one sheet with a revision date of August 30, 2023. Mr. Grewal stated that the use prior to the repair garage was a fueling station. He believes that locating the new fuel station on the property could help reduce traffic in need of fuel from going into town.

The applicant discussed the variance criteria with respect to the lack of public utilities in the area. On-lot well and septic serve the property but connection to public utilities is desired when they are available. Operating the business on the property without public water and sewer is not a self-imposed hardship and will not negatively impact adjacent properties or the public welfare.

The site plan designated seven parking spaces, including one handicapped space. Mr. Grewal acknowledged receipt of the Zoning Officer's letter dated August 11, 2023 and was acceptant of the proposed conditions. He noted that the old fuel tanks were removed years ago and new tanks will be installed. Mr. Hitz asked to address the dumpster requirements in Section 135-325.D. A small dumpster is shown on the concept plan, though Mr. Grewal can add another or a larger dumpster if needed. It will be walled off to block public view.

Mr. Grewal also acknowledged that no maintenance or repair work will take place at the business. When asked, the applicant confirmed that the lot width of approximately 190' exceeds the 125' minimum. He confirmed compliance with other standards specific to the use, although the lack of public utilities requires relief. Sales in the convenience store will be limited to packaged or bottled food and drinks. No food will be made or prepared on site.

A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to grant a Special Exception pursuant to Section 135-143.D of the Ordinance to permit a vehicular fueling station and convenience store; and a Variance from Section 135-268.B of the Ordinance to permit the proposed use without public water and sewer service, subject to the following conditions:

1. The Applicant will connect to public water and/or sewer at such time that the service(s) may become available to the Property in the future.
2. The Applicant and/or the owner(s) of the Property shall comply with all other provisions contained in the Ordinance for which relief has not been requested or granted.
3. The Applicant shall file and obtain approval of a land development plan, or waiver thereof, from the Mount Joy Township Planning Commission.
4. The Applicant shall submit and gain approval of a stormwater management permit through the Mount Joy Township Planning Commission or Township Engineer, as applicable.
5. The Applicant and any representative of the Applicant shall comply with and adhere to the testimony and any evidence presented to the Board at the hearing held on September 6, 2023 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

9. Next special meeting will be held Wednesday, September 13, 2023, beginning at 7:00 P.M.
10. Next regularly scheduled hearing will be held Wednesday, October 4, 2023, beginning at 7:00 P.M.
11. A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to adjourn the meeting at 8:00 p.m. All members present voted in favor of the motion.

Respectfully Submitted,



Justin S. Evans, AICP
Township Manager/Zoning Officer

For: Robert F. Newton, Jr., Secretary
Mount Joy Township Zoning Hearing Board