



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, November 1, 2023

1. Chairman Gregory R. Hitz, Sr. called the meeting to order at 6:03 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., James E. Hershey, and Robert F. Newton, Jr.
 - Members Absent: None
 - Alternate Member Present: Roni K. Clark
 - Township Representatives: Justin S. Evans, Township Manager/Zoning Officer
 - Lancaster County Court Reporter: Veronica Gouck
 - Zoning Hearing Board Solicitor: Beth A. Ebersole, Esq. of Blakinger Thomas
3. A motion was made by James E. Hershey and seconded by Robert F. Newton, Jr. to approve and ratify the minutes of the October 4, 2023 meeting. All members voted in favor of the motion.
4. Mr. Evans, Township Zoning Officer, stated that a Public Notice was published in the October 12, 2023 and October 19, 2023 editions of the LNP. The subject properties were posted on October 24, 2023.
5. Procedural briefing by the Zoning Hearing Board Solicitor
6. Zoning Case #230016
 - a. Applicant/Landowner: J. Marc Hershey/Pleasant Acres Real Estate LP
 - b. Property Location: 106 Sunnyburn Road, Elizabethtown, PA 17022; Tax Parcel ID #460-32542-0-0000
 - c. Zoning District: A – Agricultural District
 - d. Special Exception Request:
 - 1) Chapter 135, Article IX, §135-83.G: farm-related business

James E. Hershey recused himself from the case by leaving his seat at the Board table.

Landowner J. Marc Hershey presented the case involving a proposal to convert an animal barn into indoor storage. Mr. Hershey entered Exhibit A-1 into the record, a construction drawing for the conversion of the animal barn. He explained that the barn was a swine finishing building built in 1995 but those operations ceased in 2022 due to the cost to rehabilitate the building for that purpose. The building will be adapted to create up to 36 bays with approximate dimensions of 14' x 50' each for the storage of large vehicles, RVs, boats, etc. The exterior walls will need to be rebuilt to install larger door openings and the interior will be gutted to frame out the bays.

The structure is located approximately 1,350' from the nearest adjoining residence. Renters will have limited access to the facility, generally between 7:00 a.m. – 9:00 p.m. Mr. Hershey anticipates negligible traffic impact due to the nature of what is being stored. No outdoor storage will be permitted, and night lighting will be motion sensor activated. No maintenance of vehicles will be permitted, just storage. He has gained approval from the Lancaster County Agricultural Preserve Board for the farm-based business.

Mr. Hershey confirmed receipt of the Zoning Officer's letter dated October 6, 2023 and was acceptant of the proposed conditions. Mr. Hitz asked if there would be any employees other than family members. They might use farm helpers

with maintenance but, otherwise, no. No hazardous, toxic, or explosive substances will be stored in the building other than fuel in the vehicles.

Mr. Newton asked for clarification on the lighting. Motion-activated lights will be used. Lights will dim to a low level and no visitors will be permitted after 9:00 p.m. The lighting will be pointed downward and not broadcast out. Solicitor Ebersole asked if there will be outdoor sales or displays. None other than a sign located at the end of the driveway onto the property. Mr. Clark asked if electric vehicle charging will be provided. No, and there is no plan for additional electric service to the building.

Mr. Newton then asked how large the building is. It is 100' x 260'. The exterior walls will be rebuilt but the roof and trusses will remain. He reiterated receipt of Agricultural Preserve Board approval in conjunction with this zoning request. The agricultural use of the surrounding farm will be maintained and no farmable acres will be lost as part of this project.

A motion was made by Robert F. Newton, Jr. and seconded by Roni K. Clark to approve a Special Exception pursuant to 135-83.G of the Ordinance to permit a farm-related business, 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 submit and gain approval of a Use & Occupancy Permit for the indoor storage use.
3. 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 November 1, 2023 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

7. Zoning Case #230015 [Continued from the October 4, 2023 meeting]

- a. Applicant/Landowner: Elizabethtown Mt Joy LLC
- b. Property Location: 2269 South Market Street, Elizabethtown, PA 17022; Tax Parcel ID #460-32729-0-0000 & #460-04088-0-0000
- c. Zoning District: C-2 – General Commercial District
- d. Special Exception Request:
 - 1) Chapter 135, Article XIV, §135-133.N: miniwarehouses

Attorney Craig R. Lewis presented the case along with Brian Seidel of Seidel Planning & Design on behalf of the applicant. A packet of the following nine exhibits were submitted into the record and discussed with the Board:

- A-1 – Property Deed
- A-2 – Application to the Zoning Hearing Board
- A-3 – Letter Submitting the Amended Plan
- A-4 – Aerial Photograph of the Site
- A-5 – Township Zoning Review
- A-6 – Zoning Plan
- A-7 – Sample Rules and Regulations
- A-8 – Traffic Assessment
- A-9 – Prior ZHB Approval

The site was previously developed but is currently vacant. The applicant wishes to redevelop the site for miniwarehouses. Attorney Lewis offered Mr. Seidel as an expert witness in land planning and presented his credentials. A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to accept Brian Seidel as an expert in land planning.

Mr. Seidel described the site and the surrounding area. It has a deteriorated building and paving and is located along a commercial corridor, Route 230, with a residential neighborhood behind it. The site is zoned C-2, General Commercial and consists of 10.7 acres. Access to the site will be provided through an access point shared with the bank to the east. This is the only driveway into the site that will connect to South Market Street.

The proposed development will have two internal points of access, one of which connects to a parking lot and office, and the other leading directly into the storage facility. The storage units will be internally divided into increments of 5 feet, e.g., 10' x 10', 20' x 20', etc. 419 storage units are identified on the plan within buildings that individually will not exceed 8,000 sf. Drive aisles between the buildings will be at least 26' wide. A sewer easement passing through the site

will be overlaid by one of the internal driveways. A stormwater basin at the back of the site will be used as part of the redevelopment project. Landscaping and buffer strips along the residential area will be provided according to the ordinance. A zoning compliance table is provided on the plan sheet.

Mr. Seidel reviewed the application's compliance with specific standards set forth in Section 135-245:

- A. The use will comply with the restrictions in this criterion. Furthermore, Exhibit A-7 contains sample rules that will better ensure compliance by limiting what can be stored on site and the types of activities taking place.
- B. Dimensional standards will be met in accordance with this subsection and are demonstrated on the plan.
- C. Miniwarehouse buildings will be separated by no less than 26'.
- D. A 6' high fence is proposed to surround the facility. However, fence sections will be used to fill between the buildings along the perimeter to create a secure boundary.
- E. The facility is not designed to accommodate the outdoor storage of items or vehicles.
- F. All miniwarehouse buildings will be less than 8,000 sf. in area.
- G. No accessory sales or rental of moving vehicles are proposed.
- H. The applicant agrees to a condition prohibiting the storage of explosive, toxic, radioactive, or flammable materials.
- I. Although the lighting plan is not complete, the applicant will meet the applicable standards.

Mr. Seidel then addressed the general criteria for a special exception as set forth in Section 135-383.B. The use is compatible with residential uses in the area and in the commercial corridor. It is a passive use as opposed to an industrial, noisy use. Exhibit A-8 assesses the traffic impacts for the facility and the Township will analyze the proposal during land development. This is a low traffic generator compared to other commercial uses and the miniwarehouse facility will not be a nuisance to neighbors. It will be remotely monitored 24 hours per day and clients will use individual access codes for security purposes.

The applicant acknowledged receipt of the Zoning Officer's September 13, 2023 and was generally acceptant of the three proposed conditions. Mr. Hitz referred to the site plan in Exhibit A-6 when asking about the gate locations. Mr. Seidel explained that one gate is located approximately 80' from the access drive into the site at the secondary driveway. Another gate is at the end of the office/kiosk parking lot at the primary driveway.

No outdoor trash facilities will be provided on the site, however, one may be provided at the office. The Board reviewed the fence location and the plan to use the perimeter buildings as part of the required barrier. This will help ensure that children from the neighborhood cannot get into the site. A 50' wide buffer along the residential area boundary to the north is provided with a double-staggered row of evergreens to comply with Section 135-299. Lighting fixtures will generally be mounted on building ends and pole lighting will be placed around the parking areas to meet requirements in Section 135-298.C(3). Full compliance will be demonstrated in the land development stage when a lighting plan will be presented.

Mr. Hershey asked what the appearance will be like from South Market Street. The buffer strip will look more like a streetscape with deciduous trees but evergreens can be used if required. The rear of the buildings will be visible as a façade, not the garage doors. A grassed area at the southeast corner of the site could be developed as a pad site in the future but the applicant does not have plans to do so at the time. This pad site is similar in size to the bank on the east side of the access drive. Existing and proposed stormwater management facilities at the northeastern corner of the site need further design. The site slopes back toward the north and not towards South Market Street. Stormwater conveyance will be designed during the engineering process.

Further details were discussed. A Knox box will be provided at each gate and the applicant will coordinate access with the local fire department. Office staff will be on site during typical business hours. The gates will be equipped with a key card reader to track access by user. Motion activated cameras will also be used since they do not plan on restricting hours of access by customers. However, overnight access is less common at this type of facility.

A motion was made by James E. Hershey and seconded by Robert F. Newton, Jr. to approve a Special Exception pursuant to Section 135-83.G of the Ordinance to permit a farm-related business, subject to the following conditions:

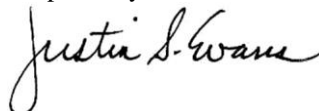
1. The Applicant and/or the owner(s) of the Property shall comply with all other provisions contained in the Ordinance for which relief has not been requested or granted;

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 and any representative of the Applicant shall comply with and adhere to the testimony and any evidence presented to the Board at the hearings held on October 4, 2023 and November 1, 2023 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

8. Next regularly scheduled hearing will be held Wednesday, December 6, 2023, beginning at 6:00 P.M.
9. A motion was made by James E. Hershey and seconded by Robert F. Newton, Jr. to adjourn the meeting at 7:05 p.m. All members present voted in favor of the motion.

Respectfully Submitted,



Justin S. Evans, AICP
Zoning Officer

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