



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, May 1, 2024

1. Chairman Gregory R. Hitz, Sr. called the meeting to order at 6:00 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 James E. Hershey
 - Members Absent: Robert F. Newton, Jr.
 - Alternate Member Present: Roni K. Clark
 - Township Representatives: Justin S. Evans, Zoning Officer
 - Lancaster County Court Reporter: Angela Kilby
 - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
3. A motion was made by James E. Hershey and seconded by Roni K. Clark to approve and ratify the minutes of the April 3, 2024 meeting. All members voted in favor of the motion.
4. Mr. Evans, Township Zoning Officer, stated that a Public Notice was published in the April 11, 2024 and April 18, 2024 editions of the LNP. The subject property was posted on April 22, 2024.
5. Procedural briefing by the Zoning Hearing Board Solicitor
6. Old Business
 - a. Request for Extension of Time of Prior Approval – Case #210006: Serreh, LLC (1113 & 1195 W. Main Street, Mount Joy). Approvals expire on May 4, 2024.

Steve Gergely from Harbor Engineering requested additional time on behalf of his client, Serreh, LLC. Another year is needed to submit and process the land development plan associated with the zoning approvals.

A motion was made by Roni K. Clark and seconded by James E. Hershey to extend the prior approvals for this case by a period of one year to May 4, 2025. All members present voted in favor of the motion.
7. Zoning Case #240004
 - a. Applicant/Landowner: Giuseppe & Anna Conigliaro
 - b. Property Location: 840 N. Hanover Street, Elizabethtown, PA 17022; Tax Parcel ID #460-12848-0-0000
 - c. Zoning District: C-2 – General Commercial District
 - d. Special Exception Request:
 - 1) Chapter 135, Article XIV, §135-133.L – shopping centers in excess of 10,000 sf.
 - e. Variance Requests:
 - 2) Chapter 135, Article XXII, §135-256.A(2) – building coverage
 - 3) Chapter 135, Article XXII, §135-256.B(1) – residential buffer

- 4) Chapter 135, Article XXII, §135-256.B(2) – parking within buffer strip
- 5) Chapter 135, Article XXIII, §135-325.D(1) – dumpster within 50’ of a residential use
- 6) Chapter 135, Article XXIII, §135-326.D – shipping and receiving within 600’ of a residential use

Landowner Giuseppe Conigliaro and consultant Keith Good from CGA Architects presented the application. Mr. Good provided an overview of the proposed commercial addition to an existing shopping center building:

- Existing building contains approximately 18,000 sf. of commercial space.
- Current tenants are Dollar General, Davita, and a church.
- The original building was approved around 1995.
- The site contains excess parking per the current zoning requirements, most likely because a restaurant was an original tenant.
- A dumpster is located near the property line adjoining a residential property.
- The proposed 7,000-sf. addition will be located on existing parking lot area.
- Surrounding parking areas will be slightly reconfigured.
- The expanded building will block view of the dumpster and loading dock from the adjoining residence to the south.
- The rear of the property is heavily screened by woods from an adjoining neighborhood.
- Additional screening is proposed along the southern property line nearest the adjoining dwelling.

The applicant submitted the following exhibits:

- A-1: Existing Conditions Plan
- A-2: Proposed Site Plan (in color)
- A-3: 3D Renderings of the proposed building expansion

Mr. Good’s testimony continued:

- The building expansion will be divided into up to 5 tenant spaces.
- Landowner has prospective tenants but no signed leases; uses will comply with zoning ordinance standards.
- Total building area of 25,700 sf. exceeds the 15% maximum building coverage for a shopping center, though the covered area is currently a parking lot.
- There is a shopping cart area used by Dollar General, however, none of the new tenant spaces will need cart parking areas.
- New lighting will have cutoff collars to protect adjoining properties.
- Existing woods at the rear serve as an effective buffer.
- Additional landscaping islands in the parking lot will reduce the site’s impervious coverage.
- Sidewalks are provided along the new building frontage.
- No density increases are being requested under the shopping center standards.

Mr. Good addressed the criteria for variances, noting that the large site is nearly covered by impervious surfaces even though the building area will exceed the 15% maximum. Relief from the residential buffer requirements is based on maintaining the current perimeter condition, which includes existing woods. The loading area and dumpster are currently within the applicable setback but will be screened from the adjoining residence by the building expansion.

The Board asked several questions of the applicant, receiving the following information in response. New signage will be on the building, but no additional freestanding signage is proposed beyond what exists. The current access point onto N. Hanover Street will continue to be used. Landscaping islands will be constructed to improve traffic flow throughout the site.

Box trucks will make deliveries to the new, smaller tenant spaces. These are less impactful than the Dollar General deliveries via tractor trailer. Deliveries will go to the rear doors where the Dollar General loading dock is. A 24’ drive aisle is proposed between the building expansion and parking lot. This is a typical width to accommodate cars backing out of spaces while allowing for cars to pass by.

The adjoining dwelling to the south is approximately 17’ from the common property line. The required setback is 15’ for the building expansion. An evergreen landscaping buffer will be added to the space between them.

The applicant acknowledged receipt of the Zoning Officer's April 4, 2024 letter and did not object to the proposed conditions. Mr. Good hinted they may request a waiver of land development, questioning whether this is contrary to the condition for land development plan approval. It will not be. When asked about a traffic impact study, Mr. Good noted that the study is not required for a nonresidential project of this size. 130 parking spaces are required for the total proposed commercial square footage with 132 proposed spaces provided after the reduction in parking lot area. A lighting plan will be prepared to meet the Zoning Ordinance requirements. No drive-through is proposed.

A motion was made by James E. Hershey and seconded by Roni K. Clark to approve the application as requested, subject to the following conditions:

1. The Applicant shall obtain approval of a Land Development Plan, or a waiver therefrom, from the Mount Joy Township Planning Commission;
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 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 May 1, 2024 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

8. Zoning Case #240005

- a. Applicant: Lancaster County Career & Technology Center – Mount Joy Campus
- b. Landowner: Lancaster County Career & Technology Center Authority
- c. Property Location: 432 Old Market Street, Mount Joy, PA 17552; Tax Parcel ID #461-59458-0-0000
- d. Zoning District: R-1 – Low-Density Residential District
- e. Variance Request:
 - 1) Chapter 135, Article XXIII, §135-320.A – creation of a flag lot

Dr. Stuart Savin of the Lancaster County Career & Technology Center was joined by Todd Smeigh of D.C Gohn & Associates to present the application. The following exhibits were submitted prior to testimony being given:

- A-1: TCA Idea Plan
- A-2: Layout/Exhibit Plan
- A-3: Layout Exhibit

Jeffrey Chaby, adjoining resident at 324 Old Market Street, requested party status to the hearing. Mr. Chaby pointed out his lot on the displayed map. Mr. Evans then noted where the subject property was posted and where the nearest posting was in relation to Mr. Chaby's home. The applicant did not object to the party status request.

A motion was made by Roni K. Clark and seconded by James E. Hershey to grant party status to Jeffrey Chaby, resident at 324 Old Market Street. All members present voted in favor of the motion.

Mr. Smeigh began testimony, noting that the proposed subdivision of a residential lot is part of an ongoing project since the mid-2000's to create lots for the construction of single-family homes along the perimeter of the campus. Construction is part of the LCCTC's curriculum. Thomas Comitta & Associates were retained in 2023 to assess the planning performed to date that furthers the mission of the building program. The plan submitted as Exhibit A-1 proposes a 600' cul-de-sac, a departure from previous plans' through street on which to divide off lots for construction. The school is evaluating a plan that balances these lots and the needs of the school itself. Access from the campus to Rotary Park through the R-1 District may be needed for stormwater conveyance associated with development or redevelopment of the school.

He noted that the Board of Supervisors granted relief from the Official Map on July 27, 2023 pertaining to construction of a cul-de-sac street instead of a through street. Lots 3-11 as depicted on Exhibit A-2 have not been subdivided and are shown as a conceptual layout. Their location and configuration are consistent with the established zoning district boundary. This request to subdivide Lot 2 as a flag lot uses a common driveway between two houses currently under

construction consistent with Exhibit A-1. The adjoining homes being built are on lots subdivided in 2022. A 50' wide flag pole leads to the proposed lot that is just under 1 acre in size. The layout complies with the Zoning Ordinance's dimensional requirements for a flag lot. Flag lots are permitted to enable preservation of agricultural land, while this request would help the LCCTC conserve land for future consideration of the campus. This would be the third and final lot to be divided in this specific area along Fairview Road. Stormwater management has been designed and approved for all three lots.

Mr. Hitz asked about the space between the two proposed dead-end segments. It will remain open space attached to the campus property for future stormwater management considerations. Mr. Hitz called attention to the standards for flag lots in Section 135-320. Mr. Smeigh noted that Exhibit A-3 demonstrates dimensional compliance with Section 135-320 as well as the joint use driveway criteria in Section 135-321, specifically:

- 135-320.F(1) – 50' wide flag pole, in excess of the 25' minimum
- 135-320.F(2) – 300' long flag pole, less than the 600' maximum
- 135-320.F(3) – lots are served by public water and sewer
- 135-320.F(4) – cartway located approximately 18' from the adjoining lots, greater than the 6' minimum
- 135-320.F(5) – no other flag poles within 200'
- 135-321.A – access is via a PennDOT road; permits required for driveway connection and utility installation
- 135-321.B – driveway cartway will be 18', greater than the 16' minimum
- 135-321.C – an easement will be created and recorded for the common drive and utilities serving all three lots

All three lot owners will collectively own and maintain the shared driveway. The next subdivision plan to be filed after this will extend a cul-de-sac street from Old Market Street. It will be offered for public dedication and more lots can be subdivided off of it. Public utilities are provided by the Mount Joy Borough Authority.

Mr. Smeigh provided justification for the relief, citing the need to use the least amount of land to accommodate the residential lots. This helps preserve as much land as possible for the school campus. Adjoining land to the south in Mount Joy Borough is zoned Conservation.

Mr. Hershey asked how large of a house can be built on the proposed lot. Exhibit A-2 depicts an example, which is a mirror of the house built on Lot 14 but it may have a different floor plan. Mr. Clark asked if there will be enough room to back out onto the shared driveway as required by Section 135-320.E. The existing driveway stub will likely be extended further to the east to enable this safely.

Mr. Chaby questioned the applicant. Why is the Mount Joy Campus the applicant and the Authority the landowner on the hearing application? Dr. Savin stated that the Authority is the landowner that enabled the school to make the application. When does the cul-de-sac street extension from Old Market Street get approved? It will go before the Planning Commission and Board of Supervisors. Mr. Chaby noted he does not oppose the application. He wanted more information about the proposal. No testimony was provided. There was no additional public comment.


A motion was made by James E. Hershey and seconded by Roni K. Clark to approve the application for the variance as requested, subject to the following conditions:

1. The Applicant shall obtain approval of a Subdivision Plan from the Mount Joy Township Planning Commission;
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 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 May 1, 2024 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

9. Next regularly scheduled hearing will be held Wednesday, June 5, 2024, beginning at 6:00 p.m.
10. A motion was made by James E. Hershey and seconded by Roni K. Clark to adjourn the meeting at 7:25 p.m. All members present voted in favor of the motion.

Respectfully Submitted,

A handwritten signature in black ink that reads "Justin S. Evans". The signature is written in a cursive style with a large, looping initial "J".

Justin S. Evans, AICP
Zoning Officer

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