

Paradise Township York County  
 Planning Commission Minutes  
 September 26, 2022

1. Call to Order/Pledge to the Flag.

2. Attendance.

| <u>Commission Members</u> | <u>Township Employees</u> | <u>Design Firms/Engineers</u> | <u>Residents</u>          |
|---------------------------|---------------------------|-------------------------------|---------------------------|
| Kevin Barnes              | Neal Doyle                | Andrew Baldo (C&B)            | Stephen and Maribell Dick |
| Korry Beard               | Doug Stambaugh            | Matt Close (C&B)              | Don Peters                |
| Mark Bentzel              |                           | Dan Gring (C&B)               | 2 others                  |
| Bob Nivens                |                           |                               |                           |

4. Approval of July 25, 2022 PTPC meeting minutes. Mr. Nivens made a motion to approve the July 2022 minutes as written. The motion was seconded by Mr. Bentzel and passed unanimously.

5. Citizen's Concerns.

a. Donald Peters – Sun Auto Sales 7689 Lincoln Highway. Mr. Peters was present to explore his options regarding continued operations of his business, Sun Auto Sales, at his home residence. Mr. Peters explained that he recently sold the property adjacent to his home that was the primary location for Sun Auto Sales. His residence property has a 10x14 building that was recently installed and a small parking lot that was originally used as part of the adjoining Sun Auto Sales property. Mr. Peters is retiring but wants to continue to operate his business in a reduced capacity. In approximately 2001 and prior to Mr. Peters owning his current residence, the former owner granted him a lease use it as a part of the Sun Auto Sales business. Mr. Barnes presented Mr. Peters with the following options

1. Option 1 – Request an interpretation of the current zoning ordinance through a ZHB application to determine if the paved area used for auto sales on the residential lot is considered an existing non-conforming use. If the ZHB says yes, he would need a special exception to expand an existing non-conforming use. If the ZHB says no, then he would need a variance to operate a non-permitted use.

2. Option 2 – Request rezoning to commercial from the township supervisors.

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3. Option 3 – Request the township supervisors to amend village district zoning ordinance to allow auto sales.

It was also noted that obtaining necessary approval from the use does not exclude the applicant from needing the applicable land development, highway occupancy, or other applicable approvals.

6. Communications.

a. Paradise Township Supervisor's Meeting (PTSM) Report. Mr. Nivens provided a report from the September supervisors meeting. The supervisors moved the accessory energy zoning hearing to OCT.

b. Miscellaneous. n/a

c. Zoning Officer. Mr. Doyle provide a zoning officer report: Jason Bross LDP 6 month extension granted; GHI met with a representative from JA Myers on Tall Grass comments in an effort to complete large action items; no communications from New Era LDP; unsure if the Melott LDP will request a time extension.

7. Zoning Requests.

a. C&B Development LLC, Owner: Glenn D. Freyman, Lincoln Highway and Pine Road. Mr. Baldo from C&B Development LLC provided an overview of their ZHB request to construct a distribution facility at the intersection of Lincoln Highway and Pine Road. C&B provided a conceptual layout of the property that included a 304,000 SF, 40 foot high facility located on the southern side of the property with 54 bay doors oriented to the north of the building facing Lincoln Highway and parking for an additional 100 trailers. The north west portion of the property would be developed into a 300 space workforce parking area and include ingress/egress driveways onto Lincoln Highway and Pine Road. The plan details a 50 foot setback with a 10 foot staggered pine hedge along the boarder of the property. C&B explained that a facility smaller than approximately 300,000 SF is not marketable and that an end user is not identified. Benefits to the township include an estimated \$850,000 tax revenue and an 200-300 jobs.

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Mr. and Mrs. Dick, adjacent property owners, were present to communicate their opposition of the proposed development. Mrs. Dick explained several concerns including: exacerbation of the frequent traffic back ups that extend from the Abbottstown square east to the subject property, operations of this type are better suited for an industrial park where light and noise is less of a concern, noise concerns from idling trucks and back up alarms, possible storage of toxic/controlled substances since there is no end user identified, construction impact to 200+ year old barn and home that is close to the Lincoln Highway entrance.

Several PTPC members asked about whether any sites in Jackson Township were considered due to the cooperative agreement that is in place between Paradise and Jackson townships. Mr. Baldo explained that they did not look in Jackson because the requested location is ideal for their operation. PTPC members also voiced concerns about noise, light and the intrusiveness of a 40 foot high structure.

Mr. Barnes communicated the following points to the C&B team:

1. The PTPC is a recommending board that does not make final decisions.
2. Any obtained approval from the ZHB does not relieve the applicant from obtaining LDP, NPDES, PennDOT HOP and other necessary approvals.
3. ZHB decisions require that permits be issued within 6 months or the approval expires. If additional time is needed it would be best to request the necessary extension at the time of approval.
4. It is the recommendation from the ZHB that the plan brought before them is consistent with the plan brought before the PC so they know what the PC recommendations are based on. If they wish to bring additional plans addressing PC concerns they may.

The ZHG application consists of three specific requests:

1. Section 902.b. of the zoning ordinance identifies warehousing and distribution as a use in the commercial district by special exception only. C&B is requesting a special exception in order to develop the site into a distribution center. Mr. Beard made a motion to recommend denial of the special use exemption because the

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proposed use does not conform to zoning ordinance 1707.E.1/3. Mr. Bentzel seconded the motion and the motion passed with a 3 to 1 majority with Mr. Barnes in opposition.

2. Section 902.b. of the zoning ordinance identifies 30,000 SF as the maximum allowable warehousing/distribution structure on a single lot. C&B is requesting a variance to this standard to allow a ten-fold increase by constructing a 304,000 SF facility. Mr. Bentzel made a motion to recommend denial of the maximum allowable SF variance. The motion was seconded by Mr. Nivens and passed unanimously.

3. Section 1342 of the zoning ordinance prohibits loading and unloading at warehousing facilities between 11:00 pm and 6:00 am. C&B is requesting a variance to this standard to allow 24 hour per day, 7 day per week operations. Mr. Nivens made a motion to recommend denial of the hours of operation variance request. The motion was seconded by Mr. Beard and passed unanimously.

A zoning hearing is scheduled for October, 19<sup>th</sup> at 7:00 pm.

#### 8. Sketch Plans

a. n/a

#### 9. Plans / Waivers for Review.

a. Tall Grass Meadows Ph II, Preparer: KPI Technology, Plan expiration October 11, 2022. There was no representation at the meeting. Mr. Beard made a motion to postpone discussion. The motion was seconded by Mr. Nivens and was passed unanimously.

b. Jason M. Bross Land Development, Preparer: Hanover Land Services, Plan expiration April 9, 2023. There was no representation at the meeting. Mr. Bentzel made a motion to postpone discussion. Mr. Nivens seconded the motion was the motion was passed unanimously.

c. New Era Land Development Plan - 7415 Lincoln Hwy. / (Fred and Linda O'Brien), Preparer: Jack N. Powell PE, Plan Expiration August 27, 2022. There was no

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representation at the meeting. Mr. Beard made a motion to postpone discussion. Mr. Bentzel seconded the motion and the motion passed unanimously.

d. Ronald and Lona Mellott Subdivision, Preparer: Hanover Land Services, Plan expiration October 21, 2022. There was no representation at the meeting. Mr. Nivens made a motion to postpone discussion. The motion was seconded by Mr. Beard and the motion passed unanimously.

10. Ordinances / Other Business.

a. n/a

11. Adjournment. Mr. Bentzel made a motion to adjourn at 8:34 pm. Mr. Nivens seconded the motion and the motion passed unanimously.