

ZONING HEARING BOARD
November 2, 2016

On Wednesday, November 2, 2016 at 7:00 P.M., after due advertisement according to law, a public meeting of the Zoning Hearing Board was held in the Municipal Building, 550 Washington Road. Chairman Andrew Rembert and James Stewart were present. Also present were Pat Smider, Solicitor and Ellen Wallo, Recording Secretary. John Burgess, Art Sullivan and Don Lambert were absent.

PUBLIC COMMENTS

None.

REORGANIZATION

There were not enough Regular Members to vote on appointing the Vice-Chairman position at this meeting, so that will be done at the next meeting.

PUBLIC HEARING

W&W Realty Enterprises, L.P. (Washington Ford)

This agenda item is consideration of the application of W&W Realty Enterprises, L.P. (Washington Ford) for a Special Exception per Zoning Ordinance Section 245-63.c.1.b to allow an automobile/vehicle storage lot as a comparable use to a vehicle sales lot, at 570 Washington Road (Munce Ridge Road adjacent to Township Building), zone C-2.

Dan Wind of W&W Realty Enterprises, L.P. Engineer Richard Rush of Widmer Engineering and Thomas Lonich, Esquire were present in support of this application.

Mr. Lonich explained that W&W Realty Enterprises, L.P. was initially advised to file a Conditional Use application for a storage lot in order to store vehicles at 570 Washington Road. The Board of Supervisors denied this Conditional Use for a storage lot as the use was not identified in the Zoning Ordinance and the existing Washington Ford property at 5 Smith Drive is not adjacent to the property at 570 Washington Road.

W&W Realty then filed a Conditional Use application for a vehicle sales lot as permitted in the Zoning Ordinance. This request was granted by the Board of Supervisors at their October 25 meeting.

W&W Realty also filed a Special Exception application with the Zoning Hearing Board for an automobile/vehicle storage lot as a comparable use to a vehicle sales lot, at 570 Washington Road.

Mr. Lonich stated that W&W Realty is seeking this Special Exception for an automobile storage lot in addition to the approved Conditional Use for a vehicle sales lot and then they will decide which approval is appropriate, if the Zoning Hearing Board grants this Special Exception.

Mr. Lonich also stated that this property is located in a C-2 Commercial District, surrounded by the C-2 District and this use is much less intrusive than other allowable uses.

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Mr. Lonich listed the criteria for Comparable Uses Not Specifically Listed as set forth in Section 245-121 as follows:

Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the zoning district in which the property is located shall be allowed if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the zoning district. In making such determination, the Zoning Hearing Board shall consider the following characteristics of the proposed uses:

Mr. Lonich response to each of the characteristics:

- | | | |
|----|--|---|
| 1. | The number of employees | None |
| 2. | The floor area or gross area of lot devoted to proposed use | 4.5 acres total; paved will be approx. 2.5 acres |
| 3. | Type of products, materials and equipment and/or processes involved in the proposed use | Vehicles |
| 4. | Magnitude of walk-in trade | None |
| 5. | Hours of operation | Mon-Th 8-9
Fri 8-6
Sat 9-5
Sunday Closed |
| 6. | Traffic and Environmental impacts and ability of the proposed use to comply with the performance standards of Sec. 245-170 of this chapter | Meets performance standards |

Mr. Lonich stated that the Traffic Study shows 20 cars per day, which is far less than standards allow.

Under Performance Standards Section 245-170:

- | | | |
|----|--|--------------------|
| A. | Fire Protection | No flammables |
| B. | Electrical Disturbance | None |
| C. | Noise | None |
| D. | Vibrations | None |
| E. | Odors | None |
| F. | Smoke, ash, dust, fumes, vapors, gases | None |
| G. | Glare | Low-level Lighting |
| H. | Erosion | None |
| I. | Water Pollution | None |

Mr. Lonich presented two (2) reviews from Michael C. Sherrieb of KLH Engineers, Inc. dated July 7, 2016 and October 4, 2016 regarding the Conditional Use applications presented by W&W Realty to the Planning Commission and Board of Supervisors.

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Mr. Lonich also stated that the Zoning Hearing Board can place conditions on this Special Exception application, such as:

1. No car carriers
2. Munce Ridge Road gate-locked when not in use
3. No intercom or Public Address System
4. Stop sign entering Munce Ridge Road from car lot

Engineer Richard Rush of Widmer Engineering showed the Existing Conditions Plan and the Proposed Plan to the Zoning Hearing Board.

Mr. Rush stated that there will be underground detention tanks to handle storm water, which is the same as the Police Building on the adjoining property.

The buffer against the resident properties will be 35 ft. and a 100 ft. buffer will remain in the rear, consisting of existing vegetation.

There will be security low-level lighting on the proposed vehicle storage lot.

Mr. Lonich stated that per Mr. Rush's letter of September 21, 2016 to Township Manager John Stickle, W&W Realty, L.P. (Washington Ford) will meet all criteria called for in the Zoning Ordinance.

In answer to a question from the Board, Mr. Rush stated that the provided-for buffers show that C-2 Commercial District next to a residential district is allowed.

Solicitor Smider asked if there is anything detrimental to the public safety, health and welfare regarding this project. Mr. Lonich answered no.

The Board then went into Executive Session.

After returning from Executive Session and after further discussion, Mr. Rembert made a motion to grant approval of the application of W&W Realty Enterprises, L.P. (Washington Ford) for a Special Exception per Zoning Ordinance Section 245-63.c.1.b to allow an automobile/vehicle storage lot as a comparable use to a vehicle sales lot, at 570 Washington Road (Munce Ridge Road adjacent to Township Building), zone C-2 subject to the following conditions:

1. No car carriers will be used to transport vehicles to the storage lot.
2. Gate will be locked when not in use and after hours.
3. Stop sign at entrance to Munce Ridge Road.
4. No intercom or Public Address system.
5. Low level lighting will be used.
6. Use best efforts to save pine trees and embankment next to Municipal Building.
7. No service, repair, washing of cars or damaged vehicles on lot.
8. Comply with Township, State and Federal laws.
9. Make hours of operation the same as Washington Ford.

The motion was seconded by James Stewart and carried.

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ADJOURNMENT

A motion was made by Mr. Rembert, seconded by Mr. Stewart, to adjourn the meeting at 8:30 P.M. The motion carried.

Submitted by,

Ellen G. Wallo
Recording Secretary

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