

WARRINGTON TOWNSHIP
Minutes of the Zoning Hearing Board Meeting
Held, pursuant to due notice, in the Municipal Building
3345 Rosstown Road, Wellsville, PA 17365
Tuesday, November 15, 2016, 7:00 PM

Presiding: Mr. Allan Winey, Chairman

Members Present: Mr. Kenneth Eshleman, Jr.
Mr. Alvin Hayes
Ms. Jacqueline Van Pelt
Mr. Jason Weaver

Staff Present: Attorney Stacey MacNeal, Solicitor
Mr. Michael Gasswint, Zoning Officer
Tammy Rinehart, Court Reporter

The meeting was opened with the Pledge to the Flag.

Minutes. Motion was made by Mr. Hayes and seconded by Mr. Weaver to approve the minutes of the October 18, 2016 meeting. Motion carried.

ZONING HEARING CASES

Case 2016-03 - Pennex Aluminum Company, LLC – Harry Dillman; The applicant is requesting dimensional Variances from Sections 410.c)3) and 410.c)4) to permit the proposed access drive to be aligned with Carroll Street as Depicted on the Plan and General Variance standards from Sections 603.c) and to the extent deemed necessary so as to permit a Special Exception to Section 410.b) an Access Drive along the Community Street Frontage and Variances from Section 603.a) and 604.a) to extend the time to acquire a Zoning permit, Use Certificate and submit a land development plan from 6 months to 2 years. The property is located at 110 Community Street, Wellsville.

The audience was sworn in by Attorney MacNeal.

Attorney MacNeal said that the Township Planning Commission approved a recommendation of the application during their meeting on September 28, 2016. There was a revision to the application after it was heard by the Planning Commission and they did not make a recommendation on that revision.

Testimony

Attorney Jonathan Andrews, Counsel for Applicant. Presented the request to the Zoning Board. He said the request is to allow an access drive to be aligned with Carroll Street to provide for a safer and more efficient operation. Pennex could continue to route trucks to turn left onto Community and then right into the facility but they are looking to improve the situation. He presented three exhibits. 1. A site plan showing the proposed parking area and access drive, 2. Authorization letter from Wellsville Fire Company permitting Pennex to place a portion of the

access drive on Wellsville Fire Company's property, and 3. An Easement granted by the Fire Company to allow the access drive at that location. Dimensional variances from Sections 410.c)3 and 410.c)4 of the Zoning Ordinance are requested to permit the proposed access drive to be aligned with Carroll Street. The application was amended to add a request for a Special Exception to Section 410.b) to allow more than one access drive per lot although he said the existing access from Community Street is in Wellsville Borough and it may not be necessary to request approval for a second entrance that will be located in the Township. Attorney Andrews is also requesting a Variance to Section 603.a) and 604.a) to allow two years to obtain the zoning permit, a use certificate and to file a land development plan to allow time to work through issues that may arise.

Attorney Andrews called Chad Peters, C. S. Davidson Engineer as an expert witness for Pennex. Mr. Peters verified the information concerning the site plan that was discussed by Attorney Andrews. Mr. Peters said that Pennex could propose a four way stop at Community Street and Carroll Street and the proposed entrance. His opinion is that the proposed entrance will be an asset to community safety. The plan meets requirements to qualify for a variance to the Zoning Ordinance.

Attorney MacNeal questioned the location of the existing access drive and the anticipated number of vehicles using the proposed drive.

Billie Jo Lake, 105 Community Street, Wellsville. Mrs. Lake submitted Exhibits LA through LO to the Zoning Board for their review. She referred to the MPC requirements for granting a variance. She defined accessory building and said that Pennex is proposing something other than accessory. She is asking the Zoning Board to consider the safety of the community before granting a variance. She said it's been stated that a business in a residential neighborhood is a nuisance.

William Lake, 105 Community Street, Wellsville. Mr. Lake said that when he and his wife purchased their property they researched the area and determined that Pennex would not be allowed to expand in a residential zone. He said that the area has turned into an expansive parking lot. He said York County Planning Commission told the engineer and solicitor that expansion was not a good idea.

Cassandra Webb, 120 Community Street, Wellsville. Mrs. Webb said she wants to make sure that her children are safe and that her property value does not devalue.

David Goff, 144 Community Street, Wellsville. He is concerned with tractor trailer parking along the street.

Attorney Andrews answered some of the comments. He said there was a validity challenge to the Zoning Board decision to change the zone of the Pennex property. The challenge went to court and the court upheld the Zoning Board decision. He said there could be a safety issue with truck traffic currently but it could be because of the confusion that drivers have with direction. He said the proposed entrance will eliminate the confusion and allow trucks to safely access the facility.

Motion was made by Mr. Hayes and seconded by Mr. Weaver to close testimony. Motion carried unanimously. The Zoning Board recessed into executive session to discuss the hearing.

Motion was made by Ms. Van Pelt and seconded by Mr. Hayes to approve variances to Section 410.c)3) and 410.c)4) to permit the proposed access drive to be aligned with Carroll Street as depicted on the submitted plan and with regard to the request for variances from Section 603.a) and 604.a) to extend the time to acquire a Zoning permit, Use Certificate and submit a land development plan from 6 months to 2 years, the Zoning Board will grant a one year extension. Motion carried unanimously.

Regarding the request for special exception to Section 410.b) an Access Drive along the Community Street Frontage, motion was made by Ms. Van Pelt and seconded by Mr. Weaver to approve a special exception to allow one access drive at 110 Community Street that and could be necessitated by a proposed reverse subdivision on the property. Motion carried unanimously.

ADJOURNMENT

Motion was made by Mr. Eshleman to adjourn the meeting. Mr. Hayes seconded. Motion carried.

The meeting was adjourned at 8:35 PM.

Rebecca Bradshaw
Township Secretary