

# **Board of Supervisors February 11, 2015**

## **Public Hearing – Rezone Five Parcels on Baumgardner Rd**

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Minutes of the Pequea Township Board of Supervisors Public Hearing to rezone five parcels on Baumgardner Road, held February 11, 2015 at 7:00 p.m. at the Pequea Township Municipal Building, 1028 Millwood Road, Willow Street, PA 17584.

**Present at the meeting were:**

Harry Lehman, Chairman  
Rob Reidenbach, Vice-Chairman  
Cynthia Evans-Herr, Supervisor

**Others present:**

Matthew J. Crème, Jr., Nikolaus & Hohenadel, LLP  
Mark Diemler, Solanco Engineer  
Sandra D. Graham, Secretary  
Stephen Fisher Jr, Petitioner for rezoning  
Sign-in sheet –see attached

**ANNOUNCEMENTS:**

- Public Meetings may be both audio and video recorded.

**Hearing**

Matthew Crème, Pequea Township’s Solicitor, began the meeting by announcing it as a Legislative Hearing, advertised under the terms of the Municipalities Planning Code and the Sunshine Act. The purpose of the Legislative Hearing is to consider a petition submitted by Baumgardner Road Associates, LP and Others, to rezone five parcels of land consisting of tax parcel no. 5107643900000 containing .51 acres, tax parcel no. 5106700300000 containing .51 acres, tax parcel no. 5105105789400000 containing 1.0 acre, tax parcel no. 5108015000000 containing 1.04 acres, tax parcel no. 5104565600000 containing .75 acres from R-1 to Industrial.

Mark Diemler, the Pequea Township Zoning Officer and Engineer, confirmed he and the Lancaster County Planning Commission received and reviewed the petition and submitted their recommendations to the township. The property was posted.

Mr. Crème stated the Board of Supervisors will hear testimony from the petitioner and the public, to determine if it is or is not, a good planning decision to adopt an Ordinance to amend the existing zoning map of the township.

Stephen S. Fisher Jr. began his testimony with tax parcel no. 5108015000000. He stated the Fisher family has an agreement with the owners of this parcel, Andrew J. and Nancy M. Campbell, to purchase the property, contingent upon approval of the petition to rezone the property from Agricultural to Industrial. The four remaining parcels on the petition are owned by the Fisher family. They are located on the south side of Baumgardner Road. The Fisher’s intent is to taper the banks behind the parcels to allow for better drainage, to raze a shed and remove a trailer. Their objective is make room to store steel behind the buildings, instead of using a tow motor to bring steel from across the street.

**Public Comments:**

Myrna Flahart, 601 Baumgardner Road–Ms. Flahart stated she takes caution with the workers, trucks and small vehicles that are currently going back and forth across the road. She mentioned, the Fisher’s could potentially put an entrance close to the Campbell’s, and in doing so, would create more large-vehicle traffic. She stated, several accidents occurred in front of her property and additional traffic will become more of a hazard. In addition, the dust and grim created by the traffic

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will be increased. In closing, Ms. Flahart believes the value of her home will decrease due to the surrounding properties zoned industrial.

Vicki Bitts, 605 Baumgardner Road –Ms. Bitts stated that a zoning change will create more traffic. She said the noise level is currently high, and with more trucks and the steel stored behind the buildings, will increase the noise level. Additionally, she mentioned there will be more dust and her property value will decrease.

Jeffrey Bitts, 605 Baumgardner Road – Mr. Bitts expressed concern with storm water run-off if the Fishers would decide to build an office behind the buildings. Mark Diemler explained the Fisher’s would have to provide a stormwater plan prior to making changes. Chairman Lehman reiterated and cited the storm water ordinance that must be followed before anything can take place.

Supervisor Evans-Herr said, during the comp plan meeting, the land behind the property was addressed. They discussed how steep the slope was and the limitations in making any changes to that area. Mark Diemler added, if they would decide to remove dirt on the slope to develop, the zoning hearing board would have to approve the plans and the residents could attend the meeting to voice any concerns.

Ken Adams, 39 Cobblestone Drive – Mr. Adams wanted to know if a petition can be submitted on a property that is not owned by the petitioner. Matt Cream answered, yes, anyone can submit a petition for a legislative hearing.

Chairman Lehman moved to approve the rezoning petition and adopt **Ordinance No. 185-2015**. Supervisor Evans-Herr seconded the motion. All were in favor, none opposed.

**MEETING ADJOURNED** at 8:14 p.m.

Respectfully submitted,

Sandra D. Graham, Township Secretary