

# Board of Supervisors February 11, 2015

## Public Hearing – Rezone 140 Herrville Road

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Minutes of the Pequea Township Board of Supervisors Public Hearing to rezone 140 Herrville Road held February 11, 2015 at 6:30 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, Pequea Township Zoning Officer  
Sandra D. Graham, Secretary  
Sign-in sheet attached

### **ANNOUNCEMENTS:**

- Public Meetings may be both audio and video recorded.

### **Hearing**

Matthew Crème, Pequea Township's Solicitor, began by announcing the meeting as a Legislative Hearing that was 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 Herrville, LLC to rezone a parcel of land consisting of 2.59 acres located at 140 Herrville Road 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 official zoning map to reflect the change in zoning classification for this property.

Mr. Frey, speaking on behalf of Herrville, LLC offered a map of the property and the surrounding properties including the one adjacent to 140 Herrville Road. The adjacent property is zoned industrial and is owned by Herrville, LLC. They would like to merge the two properties to expand their business. The expansion would enable them to clean up the outside storage and improve the appearance. The house and other structures at 140 Herrville Road have been sitting vacant for several years and are in very poor condition. Cynthia Evans-Herr asked if there is a historical designation for the house. Mr. Frey said Herrville, LLC is willing to provide photographs and, if anyone wants any components from the house, they may have them.

### **Public Comments**

**E. John Hlavacik**, 17 Friends Lane proclaimed he worked very hard for many years and saved half his pay to buy his home. He is counting on the property value when it is time to move into a senior home. He pointed out that Reynolds owns another warehouse on the west end of Brooks Avenue that is very large and wondered why they can't use that. He also pointed out his concerns with drainage and power.

**Jessica Shaub-Meyer**, 3545 Willow Street Pike. She also owns 7 and 9 Brooks Avenue. Ms. Shaub-Meyer complimented Herrville, LLC for communicating with neighbors about their plan. She said, speaking as a steward of the community as a whole, she asked the board to look at not just what they want but what the community as a whole wants. She recognizes that their intentions are to

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continue to keep the property in the family but also realizes that over time things do change and in the future things could happen beyond their control. They then could be forced to do things they don't want to do. In general and very simply, she believes the property should be viewed as a critical buffer between the industrial and residential folks on Sherrard Ave. In response to Mr. Frey's assertion that the proposed plan will improve the appearance of the property, she feels that a nice home would do the same. Her belief is that it is not a good revision and there are other options.

**Tina Yinger**, 31 Sharon Drive, stated that her back yard borders 140 Herrville Road and creates a buffer between the development and Brooks Avenue where most of the industrial properties are located and the commotion occurs. She is opposed to the plan for rezoning; she likes what she sees out her back yard but is also concerned with the lighting and the traffic. She agrees the home on the property at 140 Herrville needs to be fixed but doesn't think she should have to pay by having an industrial park outside her back yard.

**Christine Hoar**, 15 Sherrard Drive, Ms. Hoar stated she has lived in her home for twenty years and thinks the community is great and is also quiet. She moved to her home in this area because it is residential. She is concerned about noise and also what might happen in the future because things can change beyond our control.

**Jackie Johns**, 23 Pine Lane, Ms. Johns stated she has lived in Pequea Township for thirty-four years but, doesn't live near the development. She has no doubts that the Reynolds would do a good job. But she wanted to bring attention to Article 10 of the Zoning Ordinance. She recited from this article that industrial zoning should not be located in proximity to current or planned residential areas. It is intended that approved industrial operations will be compatible with surrounding land uses. She also wanted to note that it is unfortunate this came after a lot of time and money was spent re-doing the comp plan & zoning map.

**Stephen Hoar**, 15 Sherrard Drive, Mr. Hoar said he invested a lot of money in his back yard because it is private. He has an in-ground pool, bar and pavilion. He stated that the elevation goes up to the property and anyone up there will be able to look down on their pool.

**Ian Weber**, 30 Sherrard Drive, Mr. Weber stated he lives right on a corner and has two little girls that play out front. He said trucks pass by all the time going to Reynolds and doesn't think it is a good idea to have tractor trailers going by with the kids out in the yard.

### **End of Public Comments**

Vice Chairman Reidenbach had several questions for the petitioners related to noise level, business hours, traffic volume and routing of delivery trucks. Herrville, LLC said the noise level should not change but could be reduced since they will be moving the operation indoors if the petition is approved. The business hours are Monday through Friday, no weekends and no holidays. Hours of operation are 7:00 a.m. to 4:30 p.m. He stated that they typically have one to two trucks delivering per week and they are routed down past E.M. Herr on Herrville Road and into their property from that direction.

Herrville, LLC understands the concerns of the residents but he said Herrville, LLC are good neighbors. He said he also believes it could increase the property values when everyone sees how it will be done; only ten percent of the land will be building and the rest will be trees and grass. He realizes that they can't please everyone but he believes it is a good plan.

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Mr. Frey responded to an earlier statement saying currently industrial properties are already next to residential properties in this area and they are compatible and can survive with each other. He also reiterated that many trees in addition to the ones already there will be planted and will provide privacy and a buffer.

Chairman Lehman wanted to know the size of the building they propose to erect. Herrville, LLC said it is 150 feet by 75 feet. Supervisor Evans-Herr suggested dividing the property into two parcels and rezone the parcel that is closest to the existing business to industrial and leave the other parcel residential. She said the properties along Sherrard Avenue would continue to abut R-1 zoning. She asked if they would consider turning the building so the 75 foot side would face Herrville Road. She stated this could be a compromise for the neighbors. Herrville, LLC said the purpose of positioning the property as they have it on the plan is so the garage doors and parking would be in the back of the building in order to cut down on the noise and the neighbors can't be seen. He also stated the driveway is positioned so when exiting onto the roadway headlights will not be directed at any of the homes.

Matt Crème explained that any revisions suggested such as dividing the property would call for Herrville, LLC to withdrawal the petition. Mr. Frey indicated that he had geological studies done on the property and nitrate levels would make the likely hood of sub-dividing the property very difficult. He stated they did not want to withdrawal the petition.

Executive Meeting was requested by Board of Supervisors to consult legal counsel. Matt Crème, Pequea Township Solicitor and the board exited at 7:29 p.m.

The Board of Supervisors and the Solicitor reconvened at 7:37 p.m. Matt Crème, speaking to the Board of Supervisors, stated that, in the executive meeting before we returned to the public, he discussed what their options are, whether to act or not to act and if they choose not to act, the time frame in which you must act.

Chairman Lehman moved to approve the rezoning petition and adopt the Ordinance for 140 Herrville Road. Vice Chairman Reidenbach seconded the motion. Chairman Lehman and Vice Chairman Reidenbach voted Aye. Supervisor Evans-Herr voted Nay.

**Hearing Closed**

**MEETING ADJOURNED** at 7:38 p.m.

Respectfully submitted,

Sandra D. Graham, Township Secretary