

**PEQUEA TOWNSHIP
ZONING HEARING BOARD
Minutes of – July 5, 2017**

The members of the Pequea Township Zoning Board met on July 5th, 2017 at 1900 hrs. in the conference room of Pequea Twp Municipal Building. The meeting was called to order by Chairlady Johns.

Members Present: Jackie Johns, James Haines, Mark Meyer, Tom Haas and Robert Mellinger.

ZHB Solicitor: Janice Longer

Court Reporter: Kelly Snyder

Zoning Officer: Tiffany Parry – Solanco Engineering

Old Business: A motion was made to approve the May 2nd, 2017 meeting minutes by Jim Haines, seconded by Robert Mellinger, with all in favor.

New Business:

Special Exception Consideration – A request by J. Martin Harnish for a property located at 105 West Penn Grant Road for the consideration of a Special Exception to modify a previous zoning hearing board decision for the expansion of the existing clean fill deposit area. The property is located within the Commercial Zoning District.

The Hearing:

Martin Harnish was represented by Attorney Jim Thomas
Sworn in for formal recognition:
Martin Harnish
Doug Matthews – Civil Engineer

Tiffany Parry stated property at 105 W Penn Grant was published in the Lancaster Newspaper on 6-21-17 and 6-28-17 and the property was posted and neighbors notified.

She also stated she reviewed the application and confirmed property is in the Commercial District and all requirements of the application process have been met. (Note: when original Special Exception was given, property was in the Ag Zone)

Jim Thomas addressed the ZHB Members as follows:

Reviewed Application and original June 4th 2014 Special Exception Granted. Original Special Exception was for 6+ acres and Martin is requesting adding another 18.3 acres to this Special Exception.

Doug Matthews testified as follows:

Reviewed site plan showing original 6 acres and then the additional 18.3 acres:
Landfill will continue to operate under the same local, state and federal permits already in place:

Permits are for clean inert materials only and are inspected regularly by the DEP for compliance to NPDES, past inspection reports were reviewed and to date there have been no violations reported, just minor compliance assistance notes: Current Permits are for 5 years and if exception is granted, will request an extension to these existing permits.

Jackie Johns questioned run off towards Good Run, it was explained this is all part of the permit and monitored by NPDES.

Martin Harnish testified as follows:

Reviewed surrounding properties and who owned what:

Clean Land Fill is 1000 ft from nearest residence:

Clean Land Fill is regularly inspected and he is not notified as to when the inspections will take place, they are random:

He is very vigilant on keeping in compliance with his permits, walks property monthly and addressed any Compliance Assistance Notes on the inspections immediately:

Pre approval by dumpers is required by Martin and all dumpers must sign in:

Have cameras around site to monitor surroundings:

Locked gate in place with Martins Phone No and hours of operation are posted:

No community dumping allowed:

Current permitted area is not full, should be in approx. 18 months if current fill rate keeps up.

Michelle Trost asked Martin what his future use for land is, when all is filled, farming the land will continue after proper soil conditions are received:

Martin noted he does have a road sweeper and keeps 272 South in front of the operation clean of dirt and mud caused by the trucks exiting the Clean Land Fill. His driveway is also lined with big stone to scrub the dirt and mud off the tires prior to exiting.

Martin noted to keep Clean Land Fill Operation neighborhood friendly, he is willing to restrict hours to 0700 AM to 1900PM. ^{from}

He noted the reason for going to 1900 hours is to satisfy minor demand from contractors who finish work @ 1700 hours and need to dump. During winter he cuts it off at 1700 hours due to darkness. There are no lights on this property.

Kathryn Miller is OK with these hours, but wants some assurance of them. Jackie Johns stated if we approve, this will be part of the approval process.

Current slurry operation on North side of Martins property came up for discussion as follows: NOTE: Mark Meyer noted that even though this is being discussed, it is not part of this application and should have no bearing on the ZHB discussion)

Martin rented ground to Penn DOT for the reclamation of concrete road grindings being done as part of repaving Route 30. Grindings are a ground concrete and water mix and are placed in a lined hole for separation of water and material. After water passes PH requirements, it is pumped out and disposed of and remaining is then classified as inert materials and put in Martins Clean Land Fill. Work was being done on Rt. 30 at night and trucks were in and out during the middle of the night, which Martin testified he was not aware this was going to happen.

To date, slurry operation is shut down, no more night traffic will exist and ground is scheduled to be put back to original condition and replanted. A letter was shown which was sent to the contractor notifying of this decision.

This work will take place between the hours of 0700 AM and 1700 hrs PM.

This whole process was monitored by the Lancaster County Conservation District and Penn DOT.

Charlie Morris wanted some assurance all middle night dumping was done and Martin expressed it was.

MaryAnn Morris stated she called the Pequea Township several time to complain, Martin testified no one directly from the Township had any discussion with him concerning the complaints. MaryAnn was advised all future complaints should go directly to the Zoning Officer.

Also questioned if inspection reports are available to the public and she was advised they were and needs to ask at the Township Office to see them. Pequea Supervisors get a copy of the inspections.

Martin apologized to his neighbors for this issue:

ZHB went into executive meeting @ 2007 hours and returned @ 2023 hours.

The Decision:

Tom Haas made the motion to approve the request with the following conditions:

Hours of operation are limited to 0700 AM to 1900 hrs. PM:

Must keep in accordance with required permits:

1 entrance only with locked gate when not in operation:

Motion seconded by Jim Haines, all approved.

Meeting adjourned @ 2025 hrs.

Second Meeting was started @ 2030 hrs.

New Business:

Special Exception Consideration – A request by Herrville, LLC for a property located at 3400 Willow Street Pike South for the consideration of a Special Exception pursuant to Sections 903.12 & 1502.32 of the 2015 Pequea Township Zoning Ordinance, for a proposed mini-storage facility. The property is located within the Commercial Zoning District.

The Hearing:

Herrville LLC was represented by Attorney Eric Frey

Sworn in for formal recognition:

Wayne Reynolds – Herrville LLC

David Keener – Civil Engineer

Daryl Mills – Adjacent Property Owners

Tiffany Parry stated property at 3400 Willow Street Pike South was published in the Lancaster Newspaper on 6-21-17 and 6-28-17 and the property was posted and neighbors notified.

She also stated she reviewed the application and confirmed property is in the Commercial District and all requirements of the application process have been met.

Attorney Frey and David Keener then addressed all criteria associated with 1502.32 A thru L.

Partial is 5.7 acres and in the Commercial District as called out by Pequea Township.

Showed detailed plans for entrance, traffic flow and exit.

Submitted Highway Occupancy Permits Meeting notes held with Penn DOT, Traffic is right turn in and out only:

Traffic Study took into account full development of Storage Unit, including proposed building:

54' tractor trailers will have adequate room for entrance, turn around and exit:

Noted South Drive will not be used for Storage Unit:

Identified surrounding properties and owners:

Herrville LLC will provide 4 storage units for rent, all rest of spaces will be occupied by renters owned entities:

Spaces are 9' X 40', storage containers are 8' X 40':

Storage Building shown on plan will be designed for flex space and for future use, but needs approval with this application: No time frame was available for construction of this building:

All buffering will adhere to Section 906 with requirements contained in section 1405, which will also include a 6' high chain link fence:

Daryl Mills questioned if this includes the border along south drive and it was assured it did:

Access will be controlled thru a Key Card type system with hours being 0600 AM to 2300 hours PM as allowed by zoning. Only renters will have access.

Ruth Smoker questioned when construction will start – Wayne Reynolds stated process will start right away if granted.

All signs will comply with zoning requirements:

All lighting will comply with zoning requirements:

Elizabeth Mills questioned how lighting was checked and enforced, as she was told by the Pequea Township Zoning Officer they do not have the equipment necessary to check! Engineer Keener stated it is all done by formula.

Elizabeth Mills also questioned the integrity of the zoning stipulation "will not affect adjacent properties"! Zoning procedures for this type of development is covered under the next step after approval, which is Land Development.

Jeff Frey questioned the 15' buffer, and was that the correct distance. Herrville LLC stated they would comply with whatever the zoning requirements call out.

ZHB went into executive meeting @ 2152 hours and returned @ 2212 hours.

The Decision:

Jackie Johns made the motion to approve the request with the following conditions:

No double stacking of storage containers:

Fence on SE and SW side of property facing currently owned property by Bob Hershey and Ruth Smoker be solid to block view from these angles, along with required buffers:

No moving of storage containers between the hours of 0800Am and 1900 hours PM.

Motion seconded by Jim Haines, all approved.

Meeting adjourned @ 2213 hrs.



12-5-17