

**PEQUEA TOWNSHIP
ZONING HEARING BOARD
Minutes of – July 5th, 2023**

The members of the Pequea Township Zoning Board met on July 5th, 2023 in the conference room of the Pequea Township Building. The ZHB meeting was called to order by Chair, Mark Meyer @ 19:00 hrs.

ZHB Members Present: Mark Meyer, Rob Mellinger, Jason Kreider, Jeff Kreider, Don Homsher

Court Recorder: Cathy Mertz

ZHB Solicitor: Janice Longer

Zoning Officer: Mark Diemler

Executive Meeting: In – 18:00
Out – 18:50

Old Business:

1. A motion was made to approve the minutes of the June 6th, 2023 meeting. All approved.
2. Ferfeldt Investments LLC
 - a. Special Exceptions
 - b. Variances

New Business: Continuance of application for Ferfeldt Investments LLC

The Hearing: In decision of application

Parties: Martin Harnish, Scott Edwards, Carl Mellinger, W. Willow Fire Dept, Mark Diemler, Jason Topper, John Alejmikov, Robert Hoffman, Mr. Conapitski, Carl Strye, Julie L Von Spreckelson, Michael J Spiegel, Michael J Murphy.

Vote: Special Exceptions and Variances
5-0 Approved – Application
0-5 Denied – 1502.9A and 1502.24A

Decision:

Dear Applicant:

At the meeting of the Pequea Township Zoning Hearing Board on July 5, 2023, the Pequea Township Zoning Hearing Board (the “Board”) made the following decision:
The Board granted a Special Exception and a Variance pursuant to Section 1204.5 of the Pequea Township Zoning Ordinance (the “Zoning Ordinance”) to develop Lots 1, 2 and 3 of the property located at 1502.9A and 1502.24A, to exceed the disturbance limitations in

Engineering presented in Applicant's Exhibit Booklet Part II at Tab 23 and the revised Grading Plan of Bohler Engineering at Tab 24 of Applicant's Exhibit Booklet Part II.

The Board granted a Variance from Section 1405.F.1 of the Zoning Ordinance to allow Applicant to deviate from the requirement that 50% of required plantings in a landscape plan be selected from a list identified in the Zoning Ordinance, on Lots 1, 2 and 3, subject to Applicant's substantial compliance with the Bohler Landscape Plan presented at Tab 13 of Applicant's Exhibit Booklet.

The Board granted a Variance from Section 1405.G.5.A. for relief from the requirement of a five-foot landscape buffer between buildings and parking areas on Lots 1, 2 and 3, subject to Applicant's substantial compliance with the Bohler Landscape Plan presented at Tab 13 of Applicant's Exhibit Booklet.

The Board granted a Variance from the requirements of Section 1405.H to allow disturbance of some trees with a 25-inch or greater diameter and to allow re-plantings as proposed in the Bohler Landscape Plan presented at Tab 13 of Applicant's Exhibit Booklet for Lots 1, 2 and 3.

The Board granted a Variance from the requirements of Section 1418.E.9 to allow lighting to be visible from points off Lots 1, 2 and 3, subject to the condition that signage on the southbound side of Route 272 displaying gas prices will not exceed ten feet in height from ground level and that the overall height of such sign will not exceed twenty feet from ground level and further that the lighting be designed to eliminate, to the extent possible, glare or light trespass to neighboring residential properties.

The Board denied the Variance request for relief from Section 1502.9.A and 1502.24.A., to alter the requirement that the uses on lots 1, 2 and 3 utilize public water sources.

The Board granted the Special Exception to Permit a Motor Vehicle Fuel Station on Lot 1, pursuant to Section 903.12 and in conformity with the specific criteria contained in Section 1502.43 of the Zoning Ordinance.

The Board granted a Variance from the requirements of Section 1406.D of the Zoning Ordinance to allow Applicant to exceed the limitations on the number of signs and the total square footage of the area of the signs on Lot 1, subject to substantial compliance by Applicant with the Sign Detail Plan presented at Tab 8 of Applicant's Exhibit Booklet.

The Board granted a Variance from the foot candle specifications in Section 1418.D.2 of the Zoning Ordinance for Lots 1, 2 and 3, to develop lighting for the site in accordance with the Lighting Plan presented at Tab 11 of Applicant's Exhibit Booklet.

The Board granted a Variance from the requirements of Section 1418.E.3 and 4 regarding exterior lighting on Lot 1 to allow lighting substantially in conformity with the Lighting Plan presented at Tab 8 of Applicant's Exhibit Booklet and to allow outdoor lighting between the hours of 11:00 p.m. and dawn, subject to the condition that lighting will be designed to eliminate to the extent possible glare or light trespass to neighboring residential properties, and further subject to any conditions that may be imposed in land development.

The Board granted a Special Exception pursuant to Section 903.2 of the Zoning Ordinance to permit a car wash to be operated on Lot 2 subject to compliance with the specific criteria of Section 1502.24 of the Zoning Ordinance.

The Board granted a Variance to exceed the limitation on wall height contained in Section 1403.1.A of the Zoning Ordinance, which is ten feet, to utilize retaining walls of 16 feet on Lots 2 and 3, in accordance with the revised Bohler Zoning and Grading

The Board granted a Variance from the requirements of 1502.9.D to allow Applicant to develop perimeter parking areas and areas within the public right-of-way on Lots 1 and 3 without pedestrian walkways, in accordance with the revised Zoning Plan at Tab 23 of the Applicant's Exhibit Booklet Part II.

The Board granted a Variance from the requirements of Section 1502.9.K to allow loading areas to be located at the side of the building on Lots 1 and 3.

With respect to each grant of a Special Exception or a Variance, the following conditions apply:

- (i) Development shall be in accordance with the application, exhibits and testimony presented to the Zoning Hearing Board and relied on by Applicant;
- (ii) Applicant shall obtain all permits and approvals required by the Township, county, state and federal laws, ordinances and regulations relating to development of the Property, as and when required;
- (iii) Applicant shall enter into a land development agreement with the Township in the form and content generally used by the Township prior to the recording of any final plan;
- (iv) Conditions imposed by the Zoning Hearing Board shall be referenced in the general notes on all subdivision and land development plans for the Property;
- (v) Any violation of the conditions to any approval shall be considered a violation of the Zoning Ordinance and subject to the penalties and remedies contained in the Zoning Ordinance and the Municipalities Planning Code.

This letter is your notice of decision as required by the Municipalities Planning Code. The Board has instructed me to forward this notice to you, in my capacity as solicitor to the Board.


Very Truly Yours,

APPEL, YOST & ZEE LLP,

Janice L.M. Longer, Esq.

This Meeting was adjourned at (19:37) hrs.

Respectfully Submitted
Pequea Township ZHB Secretary
Don Homsher Sr



Pequea Township Zoning Hearing Board Meeting

July 5, 2023 - 7:00pm

Pequea Township Municipal Bldg. - Willow Street

name & address for residents

Signer
Sheet

Others - company name

1. JASON TOPPER
2. RICK KAUFMAN
3. DON NEFF
4. ~~Bob~~ Schober
5. Carl Mulligan
6. Sharon Kisser & Baumgardner
7. Peter Frederick "
8. Michael J. Murphy Jr.
9. Scott Edwards
- 10.