

**MEETING MINUTES**  
**LANCASTER TOWNSHIP**  
**ZONING HEARING BOARD**

**June 26, 2012**

Chairperson John Metzger called the meeting to order at 7:00 P.M. The following members were present: John W. Metzger, Elizabeth W. Bamford, Peggy D. Hall and alternate member Joseph P. LoCurto. Also in attendance was Thomas L. Goodman, Zoning Hearing Board Solicitor, Thomas P. Daniels, Assistant Township Manager, and Cheryl Hansberry, Court Reporter.

**MINUTES**

On a motion, the minutes from the November 22, 2011 meeting of the Lancaster Township Zoning Hearing Board were unanimously approved as written.

**NEW BUSINESS**

1. The applicants Placido Rivero-Mederos and Nuvia Losado-Padron, who are the property owners of 120 Nassau Road, Lancaster PA 17602, are requesting a special exception pursuant to Section 604.11 and a variance pursuant to Section 1819.5.E, in order to change the current use as a Family Day Care to a Group Day Care Home. The application was amended to add a request for a variance pursuant to Section 1819.5.A.

Mr. Daniels was sworn in and testified that the notification and publication requirements have been met. Ms. Stacey Morgan, Esq. of the firm Hartman, Underhill & Brubaker presented the application. Ms. Kay Tran, owner of 118 Nassau Rd. was sworn in and testified that she has resided for five years in the semi-detached home attached to the property in question. She does not object to the expansion of the present 6 children to 12 despite the fact that this could affect the property value of her home.

Ms. Nuvia Losado-Padron testified that she and her husband have owned the semi-detached home since July, 2007 and have operated an award winning Family Day Care at the premises. It currently serves 6 children at two shifts, the first being from 5:30 A.M. to 3:30 P.M. and the second from 3:30 P.M. until 11:30 P.M. seven days a week. She and her husband work these shifts along with one non-resident employee. A rear fenced-in area is available for a play area. There are two off-street parking spots located off the rear alley. The applicants park on the street and the children are dropped off in the front. If allowed to be a Group Day Care Home, they will have up to 12 children at each shift and the facility will be fully licensed and subject to frequent inspections.

Neighbor George Burkholder, 132 Nassau Road, testified that parents often double-park to drop off their children, and expressed concerns over the increased traffic especially while school is in session. Mr. Ralph Rodriguez expressed his support for the program's expansion.

Mr. Metzger moved to continue the matter until the next meeting, at which time the Board will render a decision. Ms. Morgan agreed to submit pertinent DPW regulations. Ms. Bamford seconded the motion, which passed unanimously.

2. The property owners of the Crossway Church located at 318 Barbara Street, Millersville PA 17551 are requesting a variance pursuant to Section 1502.23 in order to erect two signs. Mr. Daniels testified that the notification and publication requirements were met.

Mr. Hunter Johnson, architect of the project, testified that the two proposed signs would exceed the requirements. The church sits back about a ¼ mile from Barbara Street on a 76 acre property. The distance factor, magnitude of the property, and drivers progressing at a certain rate of speed justifies the signage request. The first sign would be approximately 16.5 x 16.5 sq. ft. and would be located 10 feet from the right of way. This would be for informative purposes, changing as needed. The second sign would be approximately 70 sq. ft. and would be integrated in a rock outcropping about 150 feet from the right of way on a slightly upgrade. This sign would identify the church and would not change. Pastor Steve Heitland testified for the application.

Mr. Metzger made a motion to close testimony and moved further to grant the application for a variance pursuant to 1502.23 subject to the standard conditions as outlined by Mr. Goodman. Ms. Bamford seconded the motion, which passed unanimously.

3. Dr. Youssef Habib, owner of 627 Conestoga Blvd, Lancaster PA 17602, is requesting a special exception pursuant to Section 1309.4.B, in order to rebuild his residence which was damaged over 50% by Tropical Storm Lee in September, 2011. Mr. Daniels testified that the notification and publication requirements have been met.

Dr. Habib has resided at the property since January, 2000. He is proposing to build a FEMA approved structure with less of a footprint than the original residence. The primary damage to the home was done by floodwaters which dislodged two oil tanks located in the basement. In the proposed home, everything will be above the 100 year floodplain. Heating elements, etc. will be located in the attic and the home will be equipped with flood gates. Mr. Daniel noted that this would be a smaller footprint and would be a value to the neighborhood. The lot, zoned R-1, is pie-shaped and is under an acre.

Mr. Metzger moved to close testimony and to grant the special exception pursuant to 1309.4.B subject to standard conditions as enumerated by Mr. Goodman. Ms. Bamford seconded the motion, which motion carried unanimously.

## ADJOURNMENT

There being no further issues before the Board, Mr. Metzger moved to adjourn the meeting at 8:40 P.M. The next regularly scheduled meeting of the Lancaster Township Zoning Hearing Board is July 24, 2012 at 7:00 P.M.

Respectfully submitted,

Peggy D. Hall, Secretary