

MEETING MINUTES
LANCASTER TOWNSHIP
ZONING HEARING BOARD

February 25, 2014

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

REORGANIZATION

On a unanimously approved motion, the following members were nominated and appointed to these positions: John W. Metzger as Chairperson, Elizabeth W. Bamford as Vice Chairperson, Peggy D. Hall as Secretary, and Joseph P. LoCurto as Alternate Board Member. In addition, Thomas L. Goodman, Esq. was appointed as Zoning Hearing Board Solicitor.

MINUTES

On a motion, the minutes from the December 18, 2013 meeting of the Lancaster Township Zoning Hearing Board were unanimously approved as written.

NEW BUSINESS

1. David and Susan Nicholas have applied for a Variance pursuant to Section 405.1 to increase the maximum lot coverage from 35% to 41% and Section 405.2 to decrease the minimum side yard setback from 12' to 4'9" for the property located at 1037 Wheatland Avenue. The subject property is zoned R-1, consisting of approximately 0.16 acres of land. Applicant wishes to build an addition onto the existing home.

Ms. Deborah Stuart, architect with Stuart & Associates, Inc., presented the application with applicant David Nicholas. Mr. Daniels was sworn in and testified that the notice and publication requirements were met. Ms. Stuart reviewed the site plan for the proposed project. The 13.9 x 21 foot addition would provide additional living space and has been placed on the nonconforming lot in the best location possible. The addition has been designed to blend in with the neighborhood. The neighbor, Ms. Laura Livingston, has been consulted and apparently has no objection.

Mr. Metzger moved to close testimony, and to grant the applicants' request for a Variance pursuant to Section 405.1 and Section 405.2 subject to the standard conditions as enumerated by Mr. Goodman. Ms. Bamford seconded the motion, which passed unanimously.

2. Charlan Group LP has applied for a Variance pursuant to Section 505.1 for the properties located at 196/244 Charles Road to decrease the minimum lot area from 4000 square feet per dwelling unit to 3603 square feet per dwelling unit. The subject properties are vacant lots, zoned R-2, consisting of approximately 5.0 acres of land. Applicant wishes to build an apartment complex on the property. The original application has been amended and is seeking only one Variance to allow 60 units, as opposed to the permitted 54. Mr. Daniels testified that notice and publication requirements have been met.

Ms. Jill E. Nagy, Esq. of Summers Nagy Law Offices represented the applicant and presented the application. The property consists of two lots. The first is located in Lancaster Township and is 3.005 acres and the second is located in the city of Lancaster and is 1.165 acres. The applicant would like to locate the apartment complex on the Lancaster Township tract and deed-restrict the city lot. This would be more desirous than building 42 units on the Lancaster Township lot and 20 units on the city property. Ms. Nagy argued that this would be a de minimis variance however the project would meet the requirements for a variance as of right.

Mr. Nathan Pipitone, a development consultant, was sworn in and testified on behalf of the applicant. He testified that this configuration would be optimal for storm water concerns. The number and size of the buildings is in accordance with recommendations by the Planning Commission and Board of Supervisors. The proposal is for 5 buildings with 12 rental units in each for a total of 60 units. The extra units requested would not change the footprint or appearance of the apartment complex. There will be two entrances to the project, one off of Charles Road and one off Fremont Street. Parking will be sufficient. Mr. Sidney R. Kime, Jr. of ELA Group, Inc. prepared the site plan, and testified for the application. He noted that these would be market rate apartments.

Several neighbors questioned the witnesses. In response, Mr. Pipitone stated that the cemetery will be contacted to coordinate funerals to minimize traffic concerns, that as many trees would be kept as possible, and that keeping the city side of the property would benefit the neighborhood. In making statements, Mr. Larry Warfel expressed concern over traffic and the potential for a criminal element, Mr. Scott Fisher noted that there are already several apartment complexes in the area, and Mr. Ron Kraus opposed it stating it would alter the peaceful neighborhood. Mr. David Lee Bair stated that it would detrimentally affect the wildlife and Mr. Mark Allison argued that 60 units would produce too much traffic. Ms. Nagy closed by reiterating an argument for a de minimis variance in that the 6 additional units would not have a substantial impact.

Mr. Metzger, noting the complexity of the issues, made a motion to continue the hearing until the March 25, 2014 meeting of the Zoning Hearing Board, at which time a decision will be made. Ms. Nagy may submit a memorandum of law if desired. Ms. Bamford seconded the motion, which motion carried unanimously.

ADJOURNMENT

There being no further matters before the Board, Mr. Metzger moved to adjourn the meeting at 8:45 P.M. The next regularly scheduled meeting of the Lancaster Township Zoning Hearing Board will be held on March 25, 2014 at 7:00 P.M.

Respectfully submitted,

Peggy D Hall

Peggy D. Hall, Secretary

