

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

**April 23, 2019**

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

**MINUTES**

On a motion, the minutes from the March 26, 2019 meeting of the Lancaster Township Zoning Hearing Board were approved as written.

**NEW BUSINESS**

1. Frank Baer has applied for a Special Exception pursuant to Chapter 280-403.1 for 2011 Millersville Pike, Lancaster, PA 17603 to allow for the use of the property as a Bed and Breakfast. The applicant has also applied for Variances pursuant to Chapter 280-1505.1 and Table 12-2-A for the same property. Mr. Daniels was sworn in and testified that the notice and publication requirements have been met.

Ms. Sheila O’Roarke, Esq. presented the application. In 2017 Mr. Baer purchased two adjacent properties on Millersville Pike that total about three acres. He would like to use the home and accessory unit for a bed and breakfast, a use permitted by Special Exception. Mr. Baer is also seeking Variances both for the number of signs, allowing three signs, and from the total sign area. The home is set back from Millersville Pike about 200 feet. The home contains 5 bedrooms, 3 ½ baths and common areas. The accessory cottage is located approximately 100 feet from the home. There is a two-car garage and an additional 4 parking spaces. The name of the proposed bed and breakfast would be Holly Hill Manor. It would offer up to 4 rooms (3 in the main house and 1 in the cottage) and Mr. Baer would continue to live in the home. Guests would stay a maximum of 14 days in any 30 day period. Meals would be offered to guests only. The cottage contains approximately 256 square feet. A 12 by 11 foot addition is proposed for the cottage but would not include a kitchen. It will be hooked up to public water and sewer. Three signs would be necessary for street recognition, one for the home and one for the cottage. A sign of 3 feet by 4 feet is requested for the street. Neighbor Ms. Kathy Wasong attended and expressed her support. Mr. Daniels testified that the parking was adequate. He did suggest a walkway between the structures. A storm water management plan would be required. Mr. Daniels would also like a floor plan.

Mr. Metzger made a motion to close testimony, and continue the matter until the next regularly scheduled meeting, at which time the Board would render a decision. Ms. Bamford seconded the motion, which carried unanimously.

2. WPE Partnership has applied for a Variance pursuant to Chapter 280-505.2 Minimum Lot Depth for 690 Bean Hill Road, Lancaster, PA 17603 to allow for the subdivision of this property. The requested variance is specific to proposed Lot 31 and does not affect the other proposed lots. Mr. Daniels testified that the notice and publication requirements have been met.

Mr. Bill Swiernik, who is with David Miller Associates, presented the application along with the applicants Mark Will and Mark Evans. The Raymond family, the landowner, was also present. The parcel that is being proposed for subdivision has received a conditional use approval to allow for the development of single-family dwellings. One of the conditions of said approval is that one of the lots, specifically Lot 31, be brought before the Zoning Hearing Board to discuss the requirement for the establishment of lot depth in both directions from both frontages. Lot 31 is located along a road that would be an extension of Northfield drive and which is somewhat narrow because of the existence of a PP&L right-of-way and the property line to the south. If the variance would be denied, the applicant would lose use of the lot. The proposed lot depth is 74 feet, with 135 feet in the other direction. Neighbor Ms. Loretta Higgins questioned the applicant and mentioned that blasting was required for her home. There will be 29 new dwelling along with 2 existing homes.

Mr. Metzger made a motion to close testimony and to continue the matter until the next regularly scheduled meeting. Ms. Bamford seconded the motion, which motion carried unanimously.

3. Khalid Mughal has applied for an appeal from the Zoning Officer pursuant to Chapter 280-1509.3 for 1000 Columbia Ave., Lancaster PA 17603 to allow for the use of Skill Game machines in a convenience store. Mr. Daniels testified that the notice and publication requirements have been met. Mr. Daniels further testified that Mr. Mughal has been very cooperative. After being notified, Mr. Daniels went to the store and observed four video machines, which are apparently legal in this state. Under the Ordinance however, they are not permitted in a convenience store. Section 1509.3 states that no arcade machines or games such as video machines, pinball machines, or similar devices shall be permitted. A notice of violation was provided to Mr. Mughal. Mr. Daniels opined that this is in the Ordinance to dissuade customers from staying longer and utilizing parking needed for customers that come and go.

Mr. Derek Dissinger, Esq. represented the applicant but noted that he had been retained only the day before. An issue arose as to whether this application was an Appeal or in addition a request for a variance. Mr. Dissinger noted that the Notice of Violation was on the parcel without the store. Mr. Metzger indicated that if the applicant was willing to pay advertising costs, the matter could be continued. Mr. Dissinger decided to move forward and questioned Mr. Mughal. Mr. Mughal bought the property in 2009 and started operating it as a gas station in 2011 following

Zoning Board approval. The property was renovated in 2012 and further renovations are being done presently. The gas station has a lottery ticket machine that operates as a vending machine. Some customers spend 3 or 4 hours playing Pennsylvania-Lottery-approved games. Loitering has not been an issue. Games have been in place for 4-5 months. Age restrictions apply and are enforced. Mr. Bowman, a vendor from the manufacturer of the games, was present and testified that there are four machines. There is a chair but little room for standing around. Each machine is 24 ½ inches wide and 19 inches deep. The machines are not gambling machines because there is no chance, just skill. Mr. Bowman as the vendor owns the machines and splits the revenue. According to Mr. Mughal there has been no problem with parking. Mr. Daniels noted that there are only 12 spots.

Mr. Dissinger argued that the Ordinance fails to define certain terms such as “arcade game.” He does not believe that this skill game would be considered an arcade game due partially to the fact that it is age restricted and not the type of game traditionally found in an arcade. Also, it is in a facility that legally has various legal lottery ticket gambling machines. Mr. Daniels disagreed stating that if they are not a machine licensed to the owner by the State, then they are something else, either an arcade or video game. Mr. Metzger suggested that Mr. Dissinger provide a short legal memo. Mr. Daniels noted a condition of the Zoning Board approval from 2009 that prohibited games.

Mr. Metzger moved to continue the matter until the next meeting, which motion Ms. Bamford seconded and which motion was approved unanimously. The record is closed unless the Board has any questions after reading the arguments presented by the Township and the Applicant.

#### **ADJOURNMENT**

There being no further matters before the Board, Mr. Metzger adjourned the meeting at 8:20 P.M. The next regularly scheduled meeting will be held on Tuesday, May 28, 2019 at 7:00 P.M.

Respectfully submitted,

*Peggy D Hall*

Peggy D. Hall, Secretary

