

YORK TOWNSHIP

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Phone (717)741-3861 Fax (717)741-5009

York Township Zoning Hearing Board
August 22, 2017
6:00 p.m.

The August meeting of the York Township Zoning Hearing Board was called to order by John Myers, Chair.

Those in attendance were:

John Myers, Chair
Glenn Myers, Vice Chair
William Descar, Secretary
Timothy Salvatore, Member
Kathleen Cronin, Member
Anthony Pantano, Alternate Member
Jeffrey Rehmyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF JULY 25, 2017

The Zoning Hearing Board minutes of the July 25, 2017, meeting were approved.

DECISIONS OF JULY 25, 2017

The Zoning Hearing Board decisions of the July 25, 2017, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2017-14: Garver Development Group LLC, requests a Special Exception to establish a Vertical Self-Service Storage Facility on property located along the west side of Pauline Drive, approximately 600 south of the

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

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Pauline Drive/Springfield Road intersection, in a
Commercial Shopping (CS) District.

Present: Stacey MacNeal, Esquire
Peter Garver
Drew Kipnis

MOTION: On Application 2017-14: Garver
Development Group LLC, requests a Special
Exception to establish a Vertical Self-Service
Storage Facility on property located along the
west side of Pauline Drive, approximately 600
south of the Pauline Drive/Springfield Road
intersection, in a Commercial Shopping (CS)
District, be approved.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: John Myers
MOTION PASSED UNANIMOUSLY

Continued Application 2017-09 & 2017-15: Martin Vermeilen,
West Fields Real Estate LLC requests a Special Exception to
establish a Multi-Family Dwelling use (townhouses on single
lot) and Variances related to the use on property located
at 245 Olney Road in a Residential High Density (RH)
District.

Present: Stacey MacNeal, Esquire
Martin Vermeilen

MOTION: On Continued Application 2017-15: Martin
Vermeilen, West Fields Real Estate LLC requests a
Variance with regard to Section 265-649,
subsections A, B, C, D, and E, related to the use
on property located at 245 Olney Road in a
Residential High Density (RH) District, be
denied.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: William Descar
MOTION PASSED 4-1

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MOTION: On Continued Application 2017-09, Martin Vermeilen West Fields Real Estate LLC, requests a Special Exception to establish a Multi-Family Dwelling Use on property located at 245 Olney Road in a Residential High Density (RH) District, be denied due to the Applicant's failure to obtain a Variance with regard to Section 265-649 A, B, C, D and E.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: Kathleen Cronin
MOTION PASSED 4-1

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2017-14
Hearing Date: August 22, 2017
Applicant: Garver Development Group, LLC
Property Owner: South York Development Co.
Property: Pauline Drive
UPI #54-000-II-0024-B0-00000
Existing Zoning District: Commercial Shopping (CS)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-407.C.17 & 265-668.1 thereof.

FINDINGS OF FACT

Based upon the evidence presented, and its evaluation of the credibility of the witnesses, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. Stacey MacNeal, Esquire was present on behalf of the Applicant. Additionally, Peter Garver was present on behalf of Garver Development Group, LLC. Drew Kipness was present on behalf of South York Development Co.
3. The Applicant is seeking a Special Exception to allow for a Vertical Self-Service Storage Facility (the "Facility" or the "Use") pursuant to Sections 265-407.C.17 and 265-668.1 of the York Township Zoning Ordinance (as implemented by Ordinance No. 2017-1).
4. Attorney MacNeal presented Applicant's Exhibits 1 through 5 (A1-A5) to the Board to include the following:
 - a. Exhibit A1 - a sketch plan for the Property, with minor changes since the Application because of land development work.
 - b. Exhibit A2 - an aerial photograph of the Property and surrounding areas.
 - c. Exhibit A3 - a rendering of the Facility.
 - d. Exhibit A4 - sample Storage Contract that is envisioned to be used at the Facility.
 - e. Exhibit A5 - another aerial photograph of the Property taken more closely than Exhibit A2.
5. Attorney MacNeal called Mr. Garver who testified as follows:
 - a. The Property has no improvements on it except a sign currently in place pursuant to an Easement for the South York Plaza (the "Existing Sign").
 - b. The Property is approximately 2.4 acres in size.
 - c. The Facility would comply with all setbacks.
 - d. Lot coverage would be at 65%.

- e. The Property is served by water and sewer.
6. In response to the Specific Criteria for a Vertical Self-Service Storage Facility, Mr. Garver testified as follows:
 - a. The Facility will be a 4-story structure, no more than 43 feet in height. Despite the garage doors on the rendering, they are not expected on the Facility itself.
 - b. At least 15 parking spaces are needed per the Ordinance, and 17 are provided. There shall be no outdoor storage.
 - c. There shall be no trailer or truck rentals.
 - d. All lighting will be shielded to direct away from the adjacent properties and streets. Sufficient light level shall be provided to ensure public safety during operations.
 - e. There shall be an office within the Facility for the Manager. Two employees are anticipated.
 - f. There shall only be one building.
 - g. There shall be loading areas on both the upper and lower side of the Facility.
 - h. None of the prohibited storage uses set forth in Section 265-668.1.H(1-6) shall be allowed.
7. The Applicant provided additional information with regard to the Use as follows:

follows:

 - a. There shall be electronic access into the Facility Monday through Sunday from 6:00 am until 10:00 pm.
 - b. The office hours shall be Monday through Friday from 9:30 am until 6:00 pm, Saturday from 9:00 am until 5:30 pm, and closed on Sunday.
 - c. There shall be cameras within and on the Facility.
 - d. The building shall be temperature and humidity controlled.
 - e. Anticipated traffic is 2 to 5 cars a day, for a total of 60 to 70 trips per month.
 - f. A sign will be sought as permitted by Ordinance.
8. In response to the General Standards for a Special Exception in Section 265-1009, the following was provided:
 - a. The intended purpose of the proposed Use is consistent with the Township's development objectives as established in the Comprehensive Plan.
 - b. The proposed Use is in the best interest of properties in the general area, as well as the community at large, when viewing the proposed Use in relationship to and its potential effects upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation.
 - c. The proposed Use is suitable for the Property in question and is designed, constructed and will be operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and generation of traffic.
 - d. There are adequate and available utility services and facilities, such as sanitary and storm sewers, water, fire, police and other public facilities and the ability of the Township to supply such services.
 - e. The proposed Use has adequate ingress, egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing Township street system.
 - f. The Use is in conformance with all applicable requirements of the Ordinance and, where applicable, in accordance with the Township's Subdivision and Land Development Ordinance.

9. In response to questions from Attorney Christian Miller on behalf of South York Plaza, Inc., the Applicant confirmed the following:
 - a. It would continue to cooperate with South York Plaza relative to its sign Easement Agreement.
 - b. The building height, when measured from its lowest level would be 42.6 feet.
 - c. The Use was designed not to interfere with the Existing Sign.
10. Attorney Miller also indicated that he was not in favor of the Special Exception.
11. There was no additional testimony against or for the Applicant.
12. Lisa Frye, on behalf of the Township, indicated no objection from its perspective and noted that there was prior relief that allowed for the Existing Sign.

CONCLUSIONS OF LAW

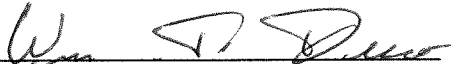
Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

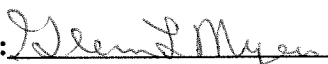
1. The construction and utilization of the Facility will not cause significant impairment of the Existing Sign.
2. The rights between the Applicant and South York Plaza, Inc. with regard to the Easement are contractual.
3. The Applicant has met the Specific Criteria for a Special Exception for a Vertical Self-Service Storage Facility.
4. The Applicant has met the General Criteria for a Special Exception.

Accordingly, Timothy Salvatore moved, and Kathleen A. Cronin seconded, to grant the Special Exception to establish a Vertical Self-Service Storage Facility, on the Property located along the West side of Pauline Drive, approximately 600 feet South of the Pauline Drive/Springwood Road intersection in a Commercial Shopping (CS) District. The motion passed with John D. Myers, Glenn Myers, William Descar, Timothy Salvatore and Kathleen A. Cronin voting in favor of the motion

WITNESS/ATTEST

**YORK TOWNSHIP
ZONING HEARING BOARD**


William Descar, Secretary

By: 
Glenn Myers, Vice-Chair

9/26/17
Date

The Special Exception granted herein shall expire if the Applicant fails to, where required to do so, obtain a Permit, submit a Land Development Plan or commence work within six (6) months of the date of the authorization of the Special Exception, pursuant to Section 265-1009. E. of the Ordinance.