

YORK TOWNSHIP

190 Oak Road, Dallastown, Pennsylvania 17313
Phone (717)741-3861 Fax (717)741-5009

York Township Zoning Hearing Board
Tuesday, July 27, 2010
6:00 p.m.

The July meeting of the York Township Zoning Hearing Board was called to order by Teri Hollway, Chair.

Those in attendance were:

Teri Hollway, Chair
Shirley Sterner, Secretary
Glenn Myers, Assistant Secretary
David N. Fishel, Member
William Descar, Alternate Member
Lisa Frye, Zoning Officer
Craig Sharnetzka, Esq., Solicitor

MINUTES OF JUNE 22, 2010

The Zoning Hearing Board minutes of the June 22, 2010, meeting were approved.

DECISIONS OF JUNE 22, 2010

The Zoning Hearing Board decisions of the June 22, 2010, meeting were approved.

HEARINGS

Appl.2010-18: Continued application on the request of Calabrese Good Architects, Inc., for a Special Exception to establish Commercial Recreation Facilities (outdoor) on

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

York Township Zoning Hearing Board
 Tuesday, July 27, 2010
 Page 2

property located at 2700 Mount Rose Avenue in Commercial-Shopping (C-S), Farming-Open Space (F-O) and Residential-Medium Density (RM5) zones.

Continued to August 24 meeting.

Appls.2010-19 and 2010-20: Glatfelter Insurance Group request Variances for placement of signage and disturbance of steep slopes on property located at southeast corner of the intersection of Dew Drop Road and Associates Drive in a Residential-Medium Density (RM5) zone.

Present: Casey Dellinger
 Kevin Strine
 Ken Douglas

I move that Appl.2010-20, Glatfelter Insurance Group requests a Variance for disturbance of steep slopes on property located at the southeast corner of the intersection of Dew Drop Road and Associates Drive in a Residential-Medium Density (RM5) zone, be approved, to include the steep slope condition as read into the record by the Chair.

MOTION MADE BY: David Fishel
 SECONDED BY: Glenn Myers
 MOTION PASSED UNANIMOUSLY

I move that Appl.2010-19, Glatfelter Insurance Group requests a Variance for placement of signage located on the southeast corner of the intersection of Dew Drop Road and Associates Drive in an Residential-Medium Density (RM5) zone, be approved.

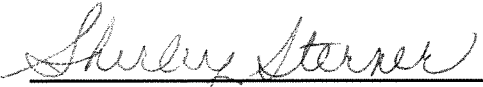
MOTION MADE BY: Glenn Myers
 SECONDED BY: Shirley Sterner
 MOTION PASSED UNANIMOUSLY

York Township Zoning Hearing Board
Tuesday, July 27, 2010
Page 3

ADJOURNMENT

The meeting adjourned at 7:03 p.m.

ATTEST:



Shirley Sterner, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2010-19
Hearing Date: July 27, 2010
Applicant: Glatfelter Insurance Group
Property Owner: Same
Property: Dew Drop Road, York, PA 17402
UPI #54-000-HI-0235.00-00000
Existing Zoning District: RM5

Relief Requested- Variance under the York Township Zoning Ordinance of 1996, as amended (the "Ordinance") and pursuant to Section 265-41.G.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. All evidence, testimony, findings of fact, and conclusions of law from Decisions 2010-19 are incorporated by reference.
3. The Applicant was present and represented by Raymond Fiddler, general counsel for Glatfelter Insurance Group, Kevin Strine, employee with Glatfelter Insurance Group, and Casey Deller, Professional Engineer of C.S. Davidson.
4. Attorney Fiddler began the presentation with a summary of the Exhibit, as follows:
 - a. A sample of the proposed signage.
5. Mr. Deller testified as follows:
 - a. Based on the topographical nature of this site, it was not functional to place the requested sign at a location permitted by the Ordinance.
 - b. The sign could have been placed on the other side of the road from the proposed location, by right, since the zoning boundary runs down the street.
 - c. Nearby features, including Interstate Route 83, makes such a location unfeasible.
6. Attorney Fiddler commented on the specific make up of the sign as follows:
 - a. Specifically, that the lighting would be 39 watts, and not very bright.
 - b. The light would be illuminated from dusk until dawn, consistent with other signs in the area.
 - c. The lights would be angled on the sign and no beams of light would be visible up into the air or to adjoining property owners.

- d. Attorney Fiddler testified that the lights would not be aimed towards Dew Drop Road.
 - e. The cars pulling out of Associates Drive would actually pull out ahead of the Sign so that lights would not be an issue with regard to visibility.
7. In response to questions with regard to the Variance, Attorney Fiddler answered as follows:
- a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, exceptional topography, or other physical conditions peculiar to the particular Property, and the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter the neighborhood or district in which the Property is located.
 - b. Because of such physical circumstances or conditions, there is no possibility that the Property can be developed in strict conformity with the provisions of this Chapter and the authorization of a Variance is therefore necessary to enable the reasonable use of the Property.
 - c. The unnecessary hardship is not being created by the Applicant.
 - d. The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the Property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - e. The Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible to the regulation at issue.
8. Lisa Frye, the Zoning Officer testified as follows:
- a. If the Variance was granted, the Applicant would have to meet the permitted sign requirements for a RM5 zone, including a maximum height of six feet for the sign.
 - b. There was discussion that the Applicant's proposed sign does not meet the six feet.
9. Attorney Fiddle confirmed at the hearing that the Applicant would conform with the requirements in the table of the York Township Zoning Ordinance for permitted signs if the Applicant was granted.

CONCLUSIONS OF LAW

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

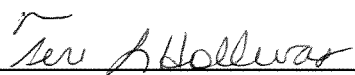
1. The Board concludes that the topography of the Applicant's Property around the sign location, and nearby features, are unique and challenging.
2. The Board concludes that the Applicant has met the criteria for the Variance.
3. The Board concludes that the Applicant will abide by the sign requirements of the supported sign as found in the Ordinance.

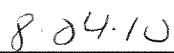
Accordingly, Glenn Myers moved and Shirley Sterner seconded, to grant the Variance to install the proposed signage for Property located on Dew Drop Road in a Medium Residential Density (RM5) Zone. The motion passed with a vote of 5-0 with all members voting in favor.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD


Secretary

By: 
Teri L. Hollway, Chair


Date

The zoning relief granted herein is valid for a period of six (6) months from the date of its authorization (which authorization is deemed to be granted on the date that the Zoning Hearing Board rendered a decision at the hearing or in writing, whichever comes first) pursuant to Sections 265-145A. (3) and 265-146 of the Ordinance, unless the Applicant has proceeded to obtain a building permit or submit a land development plan.

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2010-20

Hearing Date: July 27, 2010

Applicant: Glatfelter Insurance Group

Property Owner: Same

Property: 66 Dew Drop Road, York, PA 17402
UPI #54-000-HI-0236.00-00000

Existing Zoning District: RM5

Relief Requested- Variance under the York Township Zoning Ordinance of 1996, as amended (the "Ordinance") and pursuant to Section 265-34.A.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. The Applicant was present and represented by Raymond Fiddler, general counsel for Glatfelter Insurance Group, Kevin Strine, employee with Glatfelter Insurance Group, and Casey Deller, Professional Engineer of C.S. Davidson.
3. Attorney Fiddler began the presentation with a summary of the exhibits that would be utilized during the hearing, to include the following:
 - a. Exhibit 1A – Aerial photograph of Property.
 - b. Exhibit 1B – Aerial Photograph of Property.
4. Attorney Fiddler gave an overview of the history of the steep slopes as follows:
 - a. They were created by improvements that had been made years ago to Dew Drop Road as well as Interstate Route 83 improvements that had been done by the Commonwealth of Pennsylvania.
 - b. He commented that the removal of the steep slope would allow a widening of the intersection at Associates Road and Dew Drop Road to allow better access, to make the intersection safer by increasing the sight distance at the intersection by scaling back the grade and further addressing drainage issues.
5. Casey Deller, P.E. with C.S. Davidson testified as follows:
 - a. That he or his office has prepared the site design for this project.
 - b. Mr. Deller testified that there would be grading improvements made and gave a detailed accounting of said improvements.
 - c. The slope is now a ratio of 2 to 1.

- d. The proposal would be to grade to a 5 to 1 or 20% slope.
 - e. Mr. Deller testified that the area would be stabilized through erosion control matting, appropriate vegetation, which would not impede visibility.
 - f. Mr. Deller testified that the topographic nature of the man made steep slope created a hardship, namely safety issues due to the lack of site distance at the intersection.
 - g. He testified that after the improvements, the slope would be much easier to maintain and would be much safer.
 - h. Mr. Deller confirmed that the steep slope was created by the improvements done to Dew Drop Road and by Penn DOT.
6. Kevin Strine, a Glatfelter Insurance employee, testified as follows:
- a. That the changes to the man-made steep slope were necessary to improve safety, and that, in his opinion, it would not impede or impair any future development for this site or any neighboring site.
7. In response to questions with regard to the Variance criteria in Section 265-167, the Applicant confirmed the following:
- a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, exceptional topography, or other physical conditions peculiar to the particular Property, specifically the man-made steep slopes and their adverse effects, and the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter the neighborhood or district in which the Property is located.
 - b. Because of such physical circumstances or conditions, there is no possibility that the Property can be developed in strict conformity with the provisions of this Chapter and the authorization of a Variance is therefore necessary to enable the reasonable and safe use of the Property.
 - c. The unnecessary hardship is not being created by the Applicant.
 - d. The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the Property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare, but rather will improve the area.
 - e. The Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible to the regulation at issue.
8. Lisa Frye, the Zoning Office testified that she had been contacted by several neighbors and she had discussed the encroachment into the steep slope issue with them and that they were in favor of the improvements as proposed.
9. The Applicant agreed that it would accept the following condition, if approval of the Variance were granted:
- a. That all steep slope disturbance and remediation methods be designed, monitored, and as-built conditions to be certified by a professional soils scientist and/or a professional engineer with disciplines in soils stability and soils structure design. Records of the as-built certification(s) shall be required to be submitted to the York Township Engineering Department for the file record and prior to the issuance of any York Township Certificates of Use for the herein referenced Property. (the “Steep Slope Condition”)
 - b. The soil stabilization statement was read into the record by Chair, Teri Hollway.

CONCLUSIONS OF LAW

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

1. The Board concludes that the Applicant has met the Variance criteria.
2. The Board concludes that the man-made steep slope has created a hardship for the Applicant and that the Applicant’s proposed plans for improvements to the steep slope will result in mitigation of a current safety issue at the intersection of Associates Drive and Dew Drop Road.
3. If the relief is granted, the Steep Slope Condition must be imposed.

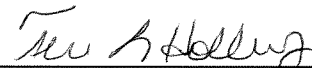
Accordingly, Dave Fishel moved and Shirley Sterner seconded, to grant the Variance to disturb the man-made steep slope on the Property located at 66 Dew Drop Road in the Medium Density Residential (RM5) zone, subject to the imposition of the Steep Slope Condition. The motion passed with a vote of 5-0, with all members voting in favor.

WITNESS/ATTEST

**YORK TOWNSHIP
ZONING HEARING BOARD**



Secretary

By: 

Teri L. Hollway, Chair

8.24.10
Date

The zoning relief granted herein is valid for a period of six (6) months from the date of its authorization (which authorization is deemed to be granted on the date that the Zoning Hearing Board rendered a decision at the hearing or in writing, whichever comes first) pursuant to Sections 265-145A. (3) and 265-146 of the Ordinance, unless the Applicant has proceeded to obtain a building permit or submit a land development plan.