

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2018-09
APPLICATION OF AMES REESE, INC. :

DECISION

I. FINDINGS OF FACT

1. Applicant is Ames Reese, Inc., 2575 Old Philadelphia Pike, Bird-in-Hand, Pennsylvania 17505 ("Applicant").

2. The property which is the subject of the instant application is 2575 Old Philadelphia Pike, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located within the Light Industrial (I-1) District, the Airport Overlay District and Floodplain Overlay District, as shown on the Official Zoning Map of East Lampeter Township.

5. Notice of the hearing on the application was duly advertised and posted in accordance with the provisions of the Pennsylvania Municipalities Planning Code ("MPC") and the East Lampeter Zoning Ordinance of 2016 (the "Zoning Ordinance").

6. After a continuance request submitted by Applicant, a public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on August 23, 2018.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by Janice Longer, Esquire.

9. Andrew Miller and Brian Spray, of RGS Associates, Inc., and Henry Trabel, Applicant's executive vice-president, appeared at the hearing and testified on behalf of Applicant.

10. The Property was the subject of a previous zoning hearing and the Board takes administrative notice of its Decision in Case No. 98-54.

11. In Case No. 98-54, the Board granted Applicant's request for a special exception and variance to construct a paved (non-permeable) driveway within the Floodplain District.

12. The Property contains approximately 28.7 acres and is improved with a building used by Applicant as and for a business involving the manufacture of powdered metal components for primarily the automotive industry.

13. Applicant's current building contains approximately 26,800 square feet of floor area.

14. Applicant is planning for an expansion of its facility. More specifically, Applicant desires a larger manufacturing facility and a larger parking area to accommodate an increased work force.

15. Applicant is requesting:

(A) a variance to allow a manufacturing facility which exceeds the 100,000 square foot limitation in Section 11020.A.6 and Section 23450.A.1 of the Zoning Ordinance.

(B) a special exception pursuant to Section 21040.G.2 of the Zoning ordinance to locate a parking area, loading area and driveway in the Floodplain Overlay District.

(C) a special exception pursuant to Section 21030.F.5.a of the Zoning Ordinance to locate a parking area in the Airport Overlay District, Surface Area 3.

(D) a special exception pursuant to Section 21030.F.3.f of the Zoning Ordinance for a driveway to be located in the Airport Overlay District, Surface Area 2.

(E) a variance from Section 21040.G.2 of the Zoning Ordinance to allow the parking lot, loading area and driveway to have an impervious surface rather than a water-permeable surface.

(F) a variance from Section 21040.H.14 of the Zoning Ordinance because a portion of Applicant's project will cause a two (2) inch increase in flood height on the lot located immediately east of the Property.

(G) an extension of the time limitations set forth in Section 25060.E and Section 25070.E of the Zoning Ordinance (Applicant has requested an extension until December 31, 2020, to obtain the necessary permits).

16. Applicant requires a new building which can accommodate its linear manufacturing process and the linear manufacturing process is driving the design of the physical plant and the shape of the building. For this reason, the area of Applicant's Property

which is within the Floodplain and Airport Overlay Districts provides the only option for the location of the parking area. The requirements of the building expansion make it impossible for Applicant to locate the parking area elsewhere on the Property. Moreover, the safety and security of employees and visitors is better served by the location of the parking lot that is proposed by Applicant.

17. Applicant's proposed building expansion will result in 110,130 cumulative square feet of gross floor area, which includes the existing building, proposed building Section 1 and building Section 2, and a utility area to be under canopy.

18. The gross floor area projected by Applicant within building Section 1 includes office space, cafeteria space and other non-manufacturing uses such as a fitness area, and a separate utility area. The utility area is a canopy area for storage of waste materials and utilities. Post expansion, the area devoted to manufacturing will be approximately 51,670 square feet.

19. The proposed expansion optimizes an otherwise difficult site. Applicant needs to expand its production capabilities to keep pace with business growth. This necessitates an expansion of the physical plant. To make the best possible use of the plant, expansion plans include areas that are not dedicated to manufacturing, such as areas for office space, cafeteria and fitness. Applicant's long range plan is to remain at this site in East Lampeter Township and to grow the physical plant in this

location adding to its established employee base, rather than seek other locations. As shown on the site master plan, there is the potential for a future building Section 3 and Section 4, which are not subject to this application or approval process.

20. There are adequate public sewer facilities per a 537 Plan and any modification or expansion of such facilities shall be in accordance with the requirements of the East Lampeter Township Sewer Authority.

21. Applicant's facility utilizes a private water supply. The additional square footage and number of employees will have minimal impact on water usage and no modification of existing systems is deemed necessary.

22. Utility services and connections to the existing operation will be modified in accordance with the specifications of the utility provider supplying service. Electric is currently above-ground and will remain above-ground to the transformer, and then go underground. Natural gas is currently underground and will remain so.

23. Applicant will comply with all Building Code requirements in the construction of the building expansion.

24. Current manufacturing activities do not pose a threat to health, safety or general welfare. Therefore, the expansion of the manufacturing facility will be executed with appropriate safeguards to maintain the same level of safety.

25. An updated and complete list of materials or substances typically stored on the premises will be provided to the Township and the emergency service providers. These lists have been previously provided to the Township. There will be no change in these substances that are routinely used in Applicant's processes, although quantities may increase.

26. Applicant will submit to the review of the Township and the Pennsylvania Department of Environmental Protection for the waste water to be generated, transported or discharged. Flows will remain low and Applicant is currently under sewage levels for a manufacturing facility.

27. There are currently no exterior audio systems associated with Applicant's use, and none are proposed.

28. Applicant will insure that any potential nuisance will be addressed so that the effects are confined to the Property. Currently, there are no nuisances that Applicant is aware of that would be noticeable beyond the property line.

29. All hazardous waste will be handled in accordance with local, state and federal laws.

30. The need for additional parking is the result of current expansion plans to grow the physical plant, as well as the employee base, to meet increased demand for Applicant's products.

31. The current plant parking area will not be able to handle the increase in workforce, even with plans to stagger that workforce over different shifts. Currently, parking is available

for 30 cars. Sixteen spaces are paved and striped; the remainder are gravel.

32. Applicant proposes 115 parking spaces, which Applicant seeks to make impervious. The impervious surface will not jeopardize life or property due to increased flood heights, velocities or frequencies caused by encroachments.

33. The only way to accomplish the Applicant's goals in providing for an increased workforce and allowing for future expansion of the physical plant based on the master plan for the site is to locate the additional parking in the area of the Property that is in the Floodplain Overlay District.

34. The area of expansion for parking facilities is also part of the Airport Overlay District, Surface Area 3. Uses permitted by special exception in the underlying district are permitted by special exception in Surface Area 3 of the Airport Overlay District.

35. The parking lot will not alter natural water flow or temperature.

36. The net increase in the 100-year floodplain on the east side of the proposed building will not exceed 2" in elevation change, and the overall site area does not increase more than 11" near the existing driveway.

37. The increase of the 100-year floodplain elevation to the nearest adjoining property to the East, N/F Frederick W. Steudler, Jr. ET AL, c/o Vallorbs Jewel Co., as listed by the Lancaster

County Parcel GIS service will not exceed 2" in elevation., Furthermore, the Applicant has provided confirmation by the property owner indicating their knowledge and concurrence of the increase of 100-year flood elevation on their property.

38. No danger, damage or injury to adjoining properties on either side of the watercourse will occur. The area of the adjoining property to the East which has the potential of the 2" increase in the 100-year flood elevation will not impact existing structures, parking areas, or other improvements which would jeopardize safety. There is no increase in the 100-year flood elevation on the West side of the site.

39. The proposed use is consistent with the Comprehensive Plan.

40. The Property is suitable for the use desired.

II. CONCLUSIONS OF LAW

SPECIAL EXCEPTION REQUESTS

1. Applicant has requested:

(A) a special exception pursuant to Section 21040.G.2 of the Zoning ordinance to locate a parking area, loading area and driveway in the Floodplain Overlay District.

(B) a special exception pursuant to Section 21030.F.5.a of the Zoning Ordinance to locate a parking area in the Airport Overlay District, Surface Area 3.

(C) a special exception pursuant to Section 21030.F.3.f of the Zoning Ordinance for a driveway to be located in the Airport Overlay District, Surface Area 2.

2. "[T]o be entitled to a special exception, an applicant must bring the proposal within the specific requirements in the zoning ordinance." Act I, Inc. v. Zoning Hearing Board of Bushkill Township, 704 A.2d 732, 735 (Pa. Cmwlth. 1997).

3. "The most important characteristic of a special exception is that it is a conditionally permitted use, legislatively allowed if the objective standards of the ordinance are met." Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 126 Pa. Commonwealth Ct. 235, 559 A.2d 107, 109 (1989); Bray v. Zoning Board of Adjustment of the City of Philadelphia, 48 Pa. Commonwealth Ct. 523, 410 A.2d 909 (1980).

4. With the exception of Section 21040.G.2 and Section 20140.H.14 of the Zoning Ordinance, Applicant has satisfied the requirements for the aforementioned special exceptions.

VARIANCE REQUESTS

1. Applicant has requested:

(A) a variance from Section 21040.G.2 of the Zoning Ordinance to allow the parking lot, loading area and driveway to have an impervious surface rather than a water-permeable surface.

(B) a variance from Section 21040.H.14 of the Zoning Ordinance because a portion of Applicant's project will cause a two (2) inch increase in flood height on the lot located immediately east of the Property.

2. In addition, Applicant has requested a variance to allow a manufacturing facility which exceeds the 100,000 square foot limitation in Section 11020.A.6 and Section 23450.A.1 of the Zoning Ordinance.

3. An applicant for a variance bears the burden of proving that unnecessary hardship will result if the variance is not granted and that the grant of the proposed variance will not be contrary to the public interest. Valley View Civic Association v. Zoning Board of Adjustment, 501 Pa. 550, 462 A.2d 637 (1983); Zaruta v. Zoning Hearing Board of the City of Wilkes-Barre, 117 Pa. Commonwealth Ct. 526, 543 A.2d 1282 (1988); Pennsylvania Municipalities Planning Code ("MPC") §910.2.

4. Applicant has presented evidence to establish that the Zoning Ordinance imposes an unnecessary hardship because of unique physical circumstances or conditions peculiar to the Property and the unnecessary hardship is due to such conditions.

5. Applicant is entitled to the aforementioned variances.

II. DECISION

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby grants the application of Ames Reese, Inc., for:

(A) a variance to allow a manufacturing facility which exceeds the 100,000 square foot limitation in Section 11020.A.6 and Section 23450.A.1 of the Zoning Ordinance.

(B) a special exception pursuant to Section 21040.G.2 of the Zoning ordinance to locate a parking area, loading area and driveway in the Floodplain Overlay District.

(C) a special exception pursuant to Section 21030.F.5.a of the Zoning Ordinance to locate a parking area in the Airport Overlay District, Surface Area 3.

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(E) a variance from Section 21040.G.2 of the Zoning Ordinance to allow the parking lot, loading area and driveway to have an impervious surface rather than a water-permeable surface.

(F) a variance from Section 21040.H.14 of the Zoning Ordinance because a portion of Applicant's project will cause a two (2) inch increase in flood height on the lot located immediately east of the Property.

(G) an extension of the time limitations set forth in Section 25060.E and Section 25070.E of the Zoning Ordinance (Applicant has requested an extension until December 31, 2020, to obtain the necessary permits).

The approvals granted herein shall be subject to the following conditions and safeguards which the Board deems necessary to implement the purposes of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code:

1. Applicant shall obtain all approvals and permits required by applicable laws and regulations.

2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in its application, as revised, and the evidence presented to the Board at the hearing held on August 23, 2018.

3. Applicant shall install two (2) signs which read "THIS AREA PRONE TO FLOODING" (rather than "THIS ARE PRONE TO 100 YEAR FLOODING"). The signs shall be located generally where the signs are shown on Sheet 2 of 6 of Applicant's Zoning Plan.

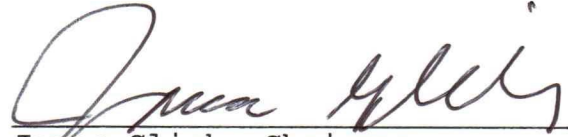
4. Applicant shall continue to work and cooperate with the Township regarding the location of a pedestrian access easement on a portion of the Property which will permit access to the Township's parkland located to the west of the Property.

5. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

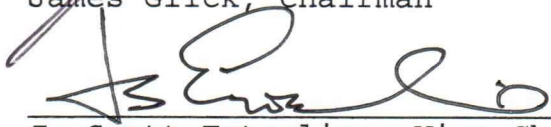
6. The approvals granted herein shall expire if Applicant does not obtain all necessary permits on or before December 31, 2020.

7. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

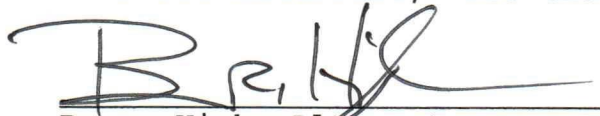
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



James Glick, Chairman



J. Scott Enterline, Vice-Chairman



Bryan High, Alternate

Dated and filed September 27, 2018, after hearing held on August 23, 2018.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to September 28, 2018.

