

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2019-24
APPLICATION OF GLICK FIRE :
EQUIPMENT COMPANY, INC. :

DECISION

I. FINDINGS OF FACT

1. Applicant is Glick Fire Equipment Company, Inc., 350 Mill Creek Road, Bird-in-Hand, Pennsylvania 17505 ("Applicant").

2. The property which is the subject of the instant application is known as 2479 Old Philadelphia Pike, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Village General Zoning District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicant is a tenant upon the Property.

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

6. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on January 9, 2020.

7. Testimony at the hearing was stenographically recorded.

8. Doug Glick appeared and testified on behalf of Applicant.

9. The following person completed an entry of appearance form as was recognized as a party to the hearing:

Daniel King
3501 White Oak Road
Paradise, PA 17562

10. Applicant has requested a special exception pursuant to Section 18020.C.5 the Zoning Ordinance.

11. Section 18020.C.5 of the Zoning Ordinance states that heavy equipment sales, service and repair facilities are permitted by special exception in the Village Commercial District subject to the requirements set forth in Section 23350 of the Zoning Ordinance.

12. The Property contains approximately 0.59 acre and is improved with a five-bay building (which was previously used as a warehouse for Ames Quality Roofing).

13. Applicant proposes to complete and sell ambulances on a special order basis.

14. More specifically, a customer will order an ambulance, which is then obtained from the manufacturer. Applicant then installs accessories such as graphics, performs a state inspection, and delivers the ambulance to the customer. The entire process may take between 3 months to 1 year to complete.

15. All work will be performed within the building.

16. With regard to testing and operation of ambulance sirens, Applicant encases the sirens with foam covers to mitigate noise levels.

17. Applicant's proposed days and hours of operation are Monday through Friday, typically between 7:30 am until 4:00 p.m.

18. Applicant does not anticipate more than three employees for the ambulance business.

19. There is sufficient parking on the Property assigned to Applicant for operation of the proposed business.

II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of proof as to the specific criteria and standards of the zoning ordinance. Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 126 Pa. Commonwealth Ct. 235, 559 A.2d 107 (1989); Bray v. Zoning Board of Adjustment of the City of Philadelphia, 48 Pa. Commonwealth Ct. 523, 410 A.2d 909 (1980).

2. An applicant for a special exception bears the burden of proving that he will comply with all requirements of the zoning ordinance relative to the use intended. Ralph & Joanne's, Inc. v. Neshannock Township Zoning Hearing Board, 121 Pa. Commonwealth Ct. 83, 550 A.2d 586 (1988).

3. With conditions, Applicant presented sufficient testimony to establish compliance with: (i) Section 23350 of the Zoning Ordinance which sets forth the specific requirements for heavy equipment sales, service and repair facilities; and (ii) the general requirements applicable to all special exception uses.

4. Conditions must be attached to the grant of the special exception to protect and preserve the surrounding neighborhood.

III. 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 Glick Fire Equipment Company, Inc., for a special exception pursuant to Section 18020.C.5 of the Zoning Ordinance to operate a heavy equipment (ambulance) sales, service and repair facilities upon the Property. The special exception shall be subject to the following conditions and safeguards which the Board deems necessary to implement the purposes of the Zoning Ordinance and the MPC:

1. Applicant shall obtain all approvals and permits required by applicable federal, state and Township 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 and the evidence presented to the Board at the hearing held on January 9, 2020.

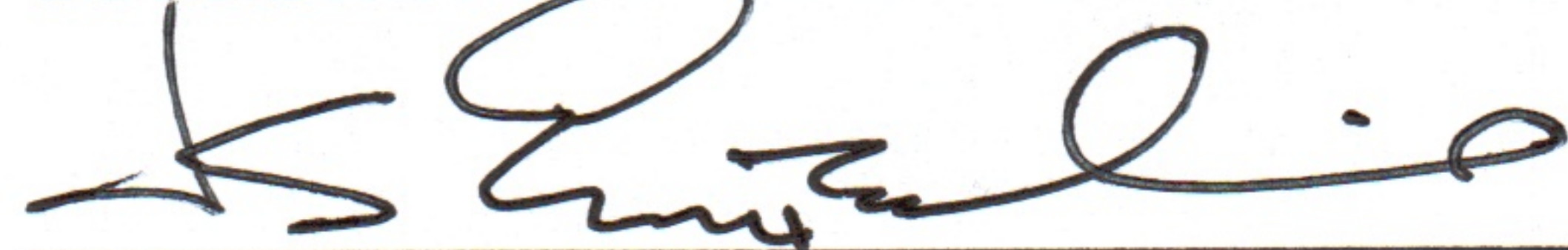
3. No siren shall be tested or otherwise operated after 5:00 p.m.

4. 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.

5. The approval granted by this Decision shall expire in accordance with the applicable terms of the Zoning Ordinance.

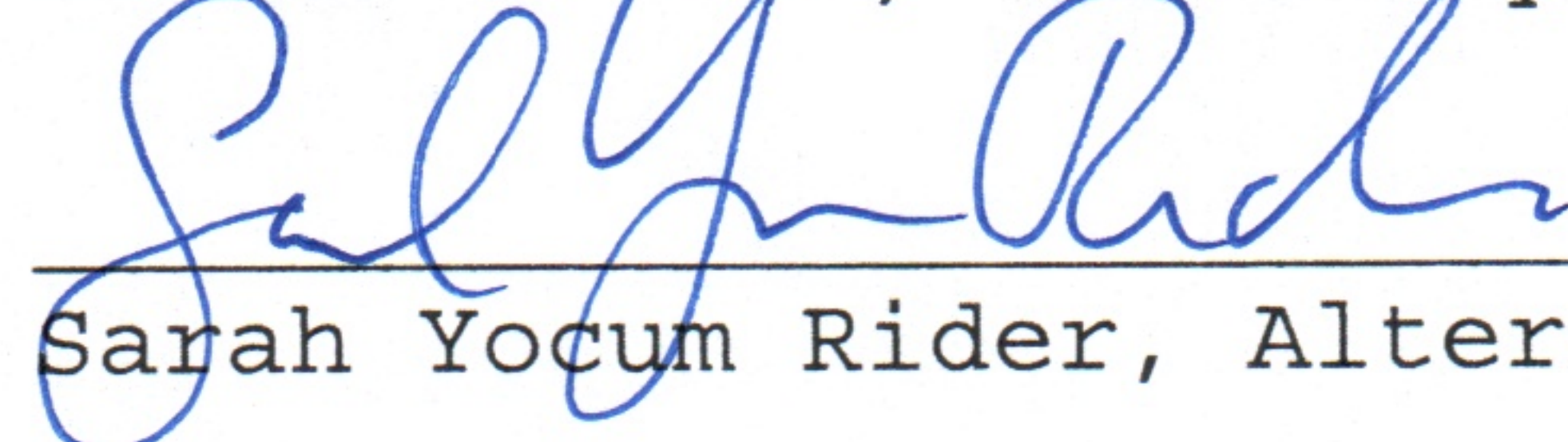
6. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Vice-Chairman

Lester Weaver, Secretary



Sarah Yocum Rider, Alternate

Dated and filed January 23, 2020, after hearing held on January 9, 2020.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January 24, 2020.

