

BEFORE THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF EAST LAMPETER

IN RE:	BSK Real Estate, LLC)	
)	
LOCATION)	Case No. <u>2021-09</u>
OF PROPERTY:	2601 Lincoln Highway East)	
)	
ZONING)	
DISTRICT:	Agricultural)	

CONDITIONAL USE DECISION

The applicant is BSK Real Estate, LLC with a mailing address of 695 Hartman Station Road, Lancaster, PA 17601 (hereinafter “Applicant”). The property for which the application has been brought is known and numbered as 2601 Lincoln Highway East in East Lampeter Township (“Property”). The Property is located within the Agricultural Zoning District. Friends Holding Group, LP is the current owner of the Property. Friends Holding Group, LP is selling the Property to BSK Real Estate, LLC.

This application is brought under Sections 21050.E.2.1 and 25080 of the East Lampeter Township Zoning Ordinance. Applicant seeks conditional use approval to renovate, restore and adapt the historic farmstead structures on the Property and construct a new barn for use as the headquarters of Applicant’s construction business, Quarry View Building Group (“Quarry View”).

Notice of the hearing on the application was duly posted and advertised in accordance with the requirements of the provisions of the Pennsylvania Municipalities Planning Code and the East Lampeter Township Zoning Ordinance. The public hearing was conducted on April 19

and 27, 2021 with Supervisors Meyer, Blowers, Buckwalter and Demme being present. The Applicant was represented by Attorney Matthew J. Crème, Jr. Ben King, principal of BSK Real Estate, LLC; Gregory Scott, FAIA Architect; Mark Hackenburg, RLA, principal with RGS Associates; and Danielle Keperling, Preservation Consultant with Historic Preservation Trust of Lancaster County, presented testimony on behalf of the Applicant. The Township staff was represented by Attorney Melvin Newcomer. Tara Hitchens, AICP, Director of Planning/Zoning Officer, testified on behalf of the Township. Interested neighbors provided public comment in support of the application. No person testified in opposition to the application.

The Property (known as the former Joseph H. Esbenshade property) consists of approximately 5 acres with a brick farmhouse, separate in-law quarters, a dairy barn and a chicken house. Approximately 2½ acres of the Property is currently being farmed. Applicant proposes to restore and rehabilitate the farmhouse and dairy barn to preserve the structures in a condition consistent with their original construction. Multiple non-historic additions on the barn are to be removed, along with the chicken house. Applicant proposes to construct a new barn in the style of a traditional tobacco barn between the farmhouse and the dairy barn.

In support of the application, the Applicant submitted the following exhibits: Conditional Use Application; Quarry View Building Group brochure; New York Lumber Trade Journal article dated July 15, 1922; Evaluation and Report of Farmstead by Gregory Scott; historic photos of farmstead structures; before photos and after proposed building elevations; site plan; Google map of immediate neighborhood with existing uses; May 12, 2016 and April 7, 2021 letters of the Pennsylvania Historical and Museum Commission, Pennsylvania State Historic Preservation Office, Division of Preservation Services; April 7, 2021 letter from the Preservation Consultant for the Historic Preservation Trust of Lancaster County; East Lampeter

Township Route 30 Corridor Map; letter of recommendation from Schwenkfelder Library and Heritage Center; Joseph Esbenshade Barn History; Raising Oscar's Bar article; and proposed designs for renovations to structures.

Applicant proposes to relocate its general contracting business, Quarry View Building Group, to the Property. Quarry View is in the general construction and restoration business. Applicant proposes to turn the existing farmhouse and in-law quarters into a connected office space. The in-law quarters will be utilized for a conference room and meeting space. The floor plan of the farmhouse will remain in place. The primary business use of the Property will be for office work, as approximately 80% of Quarry View's work is subcontracted and construction takes place on the actual work sites. The balance of the business use will be for storage of equipment, work vehicles, and some building materials.

The Property has been vacant and is in a current state of disrepair with broken windows and a leaking roof in the dairy barn. The Applicant proposes to remove the additions to the dairy barn that are not historic and to restore the structure to its original footprint from 1911 and to a similar original condition. The Applicant further proposes to construct a new barn that is similar to the original tobacco barn that was formerly located on the Property. The new barn will have high bay doors facing Lincoln Highway East.

Approximately 12 employees will work full-time at the Property. Additional employees (approximately 6) will enter and exit the Property during the morning and evening commutes on their way to and from job sites. On-site appointments with customers are by appointment and the on-site showroom will not generate a high volume of traffic. Some truck traffic will be generated associated with the delivery of specialty materials for storage. No fabrication will occur at the Property. The new proposed tobacco barn will be used for inside parking and

storage of construction pickup trucks and small equipment trailers in addition to small equipment. The only outside storage will be for parking for office employees and customers.

Through expert witness testimony of Danielle Keperling, Preservation Consultant, Applicant demonstrated the Property is listed as a contributing property for the Mill Creek Tributary Rural Historic District. Additionally, it is eligible on the National Register of Historic Places. Ms. Keperling opined the proposed work, including the removal of the appendages on the barn, will not impair the historic status of the Property, the proposed connector piece between the farmhouse and the in-law quarters is considered a sympathetic addition, and the proposed new tobacco barn would also be an acceptable addition to the Property.

The Township staff did not oppose the use in concept, but suggested the use is more properly classified as a contractor storage yard given the proposed storage in the dairy barn and the new tobacco barn. The Township also noted that the site layout/design should be reconsidered regarding the proposed barn due to setback issues.

The application has been submitted for conditional use approval under the Historic Resource Overlay District provisions of the Zoning Ordinance. To obtain approval for the proposed use, it must be shown that the property qualifies as a historic resource. The Zoning Ordinance defines "historic resources" to include a building or structure, whereas because of its' local, state or national significance, is considered as a historical resource. The historical resources shall include those identified or documented by the National Register of Historic Places, the Pennsylvania Historical and Museum Commission, and/or identified in the Comprehensive Plan. An historical resource may be adapted for any use listed within Section 21050.E.2 of the Zoning Ordinance. Approval of the use of an historic resource shall be conditioned based upon the ongoing status of the historic resource. In particular, the proposed

use must enable the preservation, restoration or rehabilitation of the historic resource. Expert evidence must be submitted to demonstrate that any alternations, improvements, extensions, additions or other modifications to the historic site will be accomplished in a manner that does not jeopardize the historic status of the site and/or its structures. Use of a historical resource for offices for a business use is permitted by conditional use. Additionally, other uses that are compatible with the surrounding area, to enable the preservation, restoration or rehabilitation of the property, as determined acceptable by the Board of Supervisors, are permitted by conditional use.

Based upon the testimony and exhibits presented, the Board finds that Applicant has met its burden of demonstrating the Property, farmhouse and dairy barn are historic resources. The Board further finds that use of the farmhouse as an office for a business use qualifies as a conditional use and that the proposed indoor storage is another use that is compatible with the surrounding area. The Board hereby grants the conditional use application of BSK Real Estate, LLC to use the Property for a business office use as the primary use of the Property and for a contractor storage lot as an accessory use to the business office use subject to the applicable supplementary regulations for each use and subject to the following conditions:

- A. The Applicant is bound by all testimony and exhibits presented. Nonmaterial deviations from the testimony and exhibits in order to comply with Township ordinances may be considered and approved by the Board of Supervisors in the land development process.
- B. At least 2½ acres of the property shall remain in active agricultural use at all times.

- C. There shall be no outdoor storage of vehicles, equipment and materials other than passenger vehicles utilized in the business office. Construction vehicles, equipment and materials must be stored in the existing and new structures.

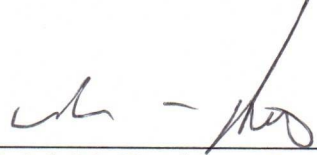
DECISION made this 27th day of April, 2021 by a vote of 4-0.

BOARD OF SUPERVISORS FOR THE
TOWNSHIP OF EAST LAMPETER

By: 
Corey Meyer, Chairman

Attest: 
Ralph M. Hutchison, Secretary

The undersigned certifies that a copy of this Decision has been, by First Class Mail, postage prepaid, served upon the Applicant BSK Real Estate, LLC, c/o Matthew J. Creme, Jr., Esquire, Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, PA 17603.



Ralph M. Hutchison, Secretary

Date: 6/7, 2021