BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE:	:	
	:	No. 2026-14
APPLICATION OF EAST LAMPETER TOWNSHIP	:	
	:	

DECISION

I. FINDINGS OF FACT

1. Applicant is East Lampeter Township, 2250 Old Philadelphia Pike, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is 2557 Old Philadelphia Pike, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located in the Light Industrial District and partially within the Floodplain District, as shown on the Official Zoning Map of East Lampeter Township.

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 October 22, 2026.

7. Testimony at the hearing was stenographically recorded.

8. Scott Hain, of David Miller/Associates, Inc., appeared at the hearing and testified on behalf of Applicant.

9. Applicant has requested:

(i) a special exception pursuant to Section 375-21040.G(2) of the Zoning Ordinance (parking lot within the Floodplain);

(ii) a variance from the requirements of Section 375-21040.G(2) of the Zoning Ordinance which requires that parking lots within the Floodplain be constructed with an impervious surface; and

(iii) a special exception pursuant to Section 375-21040.G(3) of the Zoning Ordinance (water-oriented uses such as boat launching ramps within the Floodplain).

10. The Property contains approximately 15.34 acres.

11. Applicant uses, or proposes to use, the Property for a Township park (known as Gibbons Park).

12. Applicant desires to construct on the Property, among other things, a parking lot to serve the park and a canoe/kayak launch, all as more fully shown on the plans submitted by Applicant.

13. Because the parking lot will be located within an area that is anticipated to periodically experience inundation by floodwaters, the parking lot would be constructed of macadam and would not be constructed with a water-permeable surface. If the parking lot were constructed with a water-permeable surface, repeated inundation of the parking lot would introduce silt and fine sediment directly into the porous asphalt and the sediment would significantly clog the porous pavement and reduce or eliminate its ability to function as a porous

surface. Restoring permeability of the pavement would require significant and continual maintenance, including specialized vacuuming.

14. Applicant proposes to construct a canoe/kayak launch providing access to the waterway located on the Property.

15. The canoe/kayak launch will utilize an open-cell geoweb stabilization system backfilled with stone.

16. The canoe/kayak launch is an at-grade launch and is not a dock or elevated structure.

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. The applicant for a special exception bears the burden of proving that it 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. Section 375-21040.G(2) of the Zoning Ordinance authorizes parking lots within the floodplain as a special exception, provided they are water-permeably surfaced and provided they are consistent with the provisions of Section 375-21040.H and Section 375-25070.D of the Zoning Ordinance.

4. With the exception of the requirement that parking lots be constructed with a water permeable surface, Applicant has presented credible evidence that the parking lot as proposed satisfies the special exception requirements of Zoning Ordinance.

5. Applicant requires a variance from that portion of Section 375-21040.G(2) of the Zoning Ordinance which requires the parking lot to be water-permeably surfaced.

6. Section 375-21040.I of the Zoning Ordinance sets forth standards for variances within the floodplain.

7. Applicant has presented credible evidence to demonstrate that it has met the requirements of Section 375-21040.I of the Zoning Ordinance for the issuance of a variance from the aforesaid terms of 375-21040.G(2) of the Zoning Ordinance.

8. Applicant also requested a special exception pursuant to Section 375-21040.G(3) of the Zoning Ordinance (water-oriented uses such as boat launching ramps within the Floodplain).

9. With regard to Applicant's request for a special exception pursuant to Section 375-21040.G(3) of the Zoning Ordinance to construct and operate a canoe/kayak launch on the Property, Applicant has presented credible evidence that the canoe/kayak launch as proposed satisfies the special exception requirements of Zoning Ordinance.

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 for: (i) a special exception pursuant to Section 375-21040.G(2) of the Zoning Ordinance (parking lot within the Floodplain); (ii) a variance from the requirements of Section 375-21040.G(2) of the Zoning

Ordinance which requires that parking lots within the Floodplain be constructed with an impervious surface; and (iii) a special exception pursuant to Section 375-21040.G(3) of the Zoning Ordinance (water-oriented uses such as boat launching ramps within the Floodplain). The special exceptions and variance 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 the application and the evidence presented to the Board at the hearing held on October 22, 2026.

3. 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.

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

5. 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, Chairman

Jordan Good, Vice-Chairman

Edward R. Kennett, Member

Dated and filed November 12, 2026, after hearing held on October 22, 2026.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to November 13, 2026.