

**PENN TOWNSHIP
ZONING HEARING BOARD
MINUTES OF APRIL 14, 2021
ATTENDANCE**

Board Members Present:

Gerald Wolfe/Chairman
Steve Bushey
Bill Postel
Aaron Kopp
David Breinich

Applicant:

Jared Mizrahi, PCI, Applicant Case #935
Aaron Marines, Applicant's Attorney, Case #935
Steve Gergely, Harbor Engineering, Case #935

Others

Richard Landis, Supervisor
Melvin Newcomer, ZHB Solicitor
Josele Cleary, Township Solicitor
Matthew Reeser, Zoning Officer
Brenda Pardun, Court Reporter
Mark Hiester, Township Manager

Jerry Stehman, Neighbor
Keith Ebersole, Neighbor

The meeting was called to order at 7:00 PM by Mr. Wolfe.

Minutes

Mr. Bushey made a motion to approve the minutes of January 13, 2021 as written and Mr. Breinich seconded the motion; the vote was unanimous in favor of approval by the Board.

Case #935 – Applicant; West End Drive, LLC. seeks Special Exception approval pursuant to Section 27-505 (substitution or replacement of a non-conforming use) of the Penn Township Zoning Ordinance, to allow for a warehousing use of the subject property. They also request variances from Sections 27-466.1.A(4) (traffic impact study); §27-466.1.A(5) (expert evidence with regards to exterior public address system and lights arrangement); §27-202.1 (Use variance); §27-208 (area & bulk regulations within the T-5MU zoning district); §27-303.4 (dumpster location & screening); §27-310 (off-street parking requirements); §27-310.12 (required number of parking spaces); §27-310.6.D (parking spaces within 20' of street line); §27-310.6.J (landscaping & screening requirements); & §27-311 (off-street loading facilities); §27-311.3 (paved surfaces); §27-311.6 (service vehicle access); §27-311.10 (screening of loading areas) of the zoning ordinance. The property that is the subject of this application is 141/143 West End Drive, Manheim, PA 17545, which is located in the T-5 MU Zoning District, Tax ID#500-14191-0-0000.

Anyone in the audience was asked whether they wished to receive party status. Keith Ebersole of Speedwell Construction at 667 Ditz Drive, and Jerry Stehman of 140 West End Drive requested party status. There was a motion by Bushey with a second by Postel to approve the party status requests. Both neighbors were granted party status by the ZHB.

All people present who might testify, were sworn in by the court reporter.

The application was presented by Aaron Marines, Jared Mizrahi, and Steve Gergely.

Per the Applicant and their representatives:

- PCI is an online auction company that has been in business on the property since 2012
- Typically, there are 2 auctions a week; 100% online
- The day after an auction closes is “pickup” day
- Items are usually not held for longer than 3 weeks, onsite
- There is no “showroom” space with the exception of an area that is approximately 50 Sq/ft within an office area
- Approximately 19 employees onsite 5 days a week, Monday through Friday
- Business operates 2 26’ box trucks (5-10 trucks during pickups)
- Sometimes semi-trucks are utilized (a few a day, sometimes)
- Outdoor storage includes pallets waiting to be shipped, inventory/items that can be stored outside, usually for around 3 weeks
- There have been no changes to buildings
- Applicant added a shed between two existing buildings recently, which was installed over a grass surface

After the presentation by the applicant, questions were asked by Josele, the Township Solicitor, directed towards Mizrahi and Gergely; some of which are below:

- Cleary asked whether Mizrahi was the only partner of West End Drive, LLC; Yes
- Did Mizrahi do any research about previous township approvals before purchasing the property or using the parcel for his business; No.
- It was confirmed that Windshield World, a previous occupant was removed from the property in February of 2021

After Cleary asked her questions, Wolfe asked Stehman and Ebersol if they had questions. Ebersole stated; No, however Stehman asked about the number of trucks that would/are entering the property. After Stehman, Ebersole commented about storage trailers that are currently on the parcel.

Board Member Breinich asked Mizrahi how a majority of the sold items are removed; 50-60% of items are picked up by buyers.

Chairman Wolfe asked;

- How many sales a month; 2 a week
- How many straight trucks a month; 60-70
- How many Semi-trucks; 60

Gergely discussed a plan of the site.

Stehman provided Exhibit #1 which was 2 pictures of tractor trailers “stacking” on West End Drive

There was a motion to close testimony by Bushey, with a second by Breinich. The motion was carried in-full by the board, and subsequently, the ZHB members entered executive session with their solicitor at 8:56pm. The hearing was restarted at 9:08pm and it was explained that attorneys for both the applicant and the township could provide proposed written findings to the ZHB solicitor by April 28, 2021, and that the ZHB would render their decision at the next regular meeting.

There was a motion by Bushey with a second by Breinich to end the meeting; which motion was carried in-full by the ZHB at 9:17pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'MR', with a long horizontal flourish extending to the right.

Matthew Reeser
Penn Township Zoning Officer