

**PENN TOWNSHIP
ZONING HEARING BOARD
MINUTES OF NOVEMBER 10, 2021
ATTENDANCE**

Board Members Present:

Gerald Wolfe/Chairman
Bill Postel
Aaron Kopp
David Brenich

Jared Mizrahi; PCI Auctions Case #210939
Aaron Marines; Russell, Krafft & Gruber,
(Applicant's Attorney)
Steve Gergely; Harbor Engineering
Jared Neil; Traffic Engineer

J. Dwight Yoder; Gibble, Kraybill & Hess; Attorney
for CSG, Case #210940
Tom Clark; High Associates; CSG

Applicant(s)

Others

Richard Landis, Supervisor
Melvin Newcomer, ZHB Solicitor
Jennifer Tulonen, Township Planner
Matthew Reeser, Zoning Officer
Brenda Pardun, Court Reporter

Debra & Rickie Woodcock, Township Residents
Julie Miller; RKG law firm, Woodcock's Attorney
Mark Foreman; Longenecker's Hardware
Ted Kelemen; 110 West End Drive
Jeff Seibert; Keller Williams Elite
Jerry Stehman; 140 West End Drive

The meeting was called to order at 7:02 PM by Mr. Wolfe.

Minutes

Mr. Kopp made a motion to approve the minutes of July 14, 2021 as written after the listed date was corrected; and Mr. Postel seconded the motion; the vote was unanimous in favor of approval by the Board.

Case #210939 – Applicant; West End Drive, LLC. seeks Special Exception approval pursuant to Section 27-202 & 27-466 of the Penn Township Zoning Ordinance, to allow for a Warehousing & Wholesale Trade Establishment use of the subject property. They also request a variance from §27-466.1.A(5) (expert evidence with regards to exterior public address system and lights arrangement); and if required variances from §27-208 (setbacks & lot coverage); §27-303.4 (dumpster location & screening); §27-310.6.D (parking spaces within 20' of street line); §27-310.6.J (landscaping & screening requirements); §27-311 (off-street loading facilities); §27-311.4 (off-street loading within the side yard); §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 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. Party Status was requested by Mr. Stehman & Mr. Kelemen. There was a motion by Mr. Kopp, with a second by Mr. Breinich to approve the party status requests; which motion was approved by the ZHB.

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

The application was presented by Attorney Marines and Mr. Mizrahi; during which the following were explained:

- The variance from 27-311.6 was withdrawn
- The entire property is only used by PCI Auctions; there are no other tenants or business uses located thereon
- Equipment is on site for 2-3 weeks
- There is no maintenance of equipment, only cleaning processes to prepare items for auction
- Materials are brought onsite daily
- There are approximately 11 semi-trucks that visit the site per week
- 2 auctions end per week
- Most items won must be picked up the day after an auction ends
- There are approximately 25 employees who mainly work on a single shift 6:00am until 5:00pm, Monday through Friday
- 2 storage sheds were installed onsite since PCI started on the property. The shed on the northern property boundary helps to keep customers out of dangerous areas by limiting their movement and helps to keep customers out of loading areas
- Mizrahi accepted the conditions which were drafted between Mizrahi and the Township, prior to the hearing
- Mizrahi understands that the center of the truck lane must be kept free of obstructions

Questions for Applicant Mizrahi:

- Postel asked Mizrahi if all loading is done on the exterior of the building; Mizrahi stated yes
- Wolfe asked where the items which are currently on the exterior of buildings will be relocated. Mizrahi stated that items will be located on the hashed area detailed on the submitted plan
- Mr. Kelemen asked if Mizrahi was aware that PCI vehicles are driving across his property; Mizrahi stated that should have stopped already
- Mr. Stehman asked what happens if more than 2 trucks stop at the site at one time? Mizrahi stated that the trucks will need to use the path of travel detailed on the plan or continue to drive around until the loading area is available
- Mr. Kopp asked Gergely how many trucks could park on the lot; Gergely stated that trucks could “stack” in the travel lane
- Kelemen asked if it was legal for lift-trucks or golf carts to be on public streets; to which it was explained that it is an enforcement issue to be handled by the proper authorities
- Wolfe asked Mizrahi why a fence couldn’t be used to limit customer movement throughout the site; it could per Mizrahi
- Kopp asked could a fence be installed behind the shed; it could stated Mizrahi
- Wolfe asked if a fence could be installed at the East end of the property; it could, however there is a stormwater feature in the vicinity stated Mizrahi

After a brief discussion, there was a motion made by Mr. Wolfe with a second by Mr. Postel to approve the requested use based upon the previously drafted conditions and the implementation of a fence at the eastern end of the property. At approximately 8:27pm, The motion passed; however, was it was not unanimous; Wolfe-yes; Postel-yes; Kopp-yes; Breinich-no.

Case #210940 – Applicant; Community Services Group, seeks Special Exception approval pursuant to Section 27-504 of the Penn Township Zoning Ordinance, to allow for an expansion of a non-conforming use. They also request a variance from §27-504.1.B (limits on expansion of a non-conforming use). The property that is the subject of this application is 374 South Main Street, Manheim, PA 17545, which is located in the T-5C Commercial Zoning District, Tax ID#500-10275-0-0000.

Anyone in the audience was asked whether they wished to receive party status. Party Status was requested by Rickie & Debra Woodcock. There was a motion by Mr. Kopp, with a second by Mr. Breinich to approve the party status requests; which motion was approved by the ZHB.

The application was presented by attorney Yoder, who explained the Fair-Housing Act and that the Township is required to accommodate people with disabilities.

Yoder and Tom Clark explained plans and pictures that were in the application so that the ZHB could get a “feel” for the existing property and where the proposed addition will be located

During the presentation and subsequent cross examinations, the follow items were discussed:

- It was explained that there will be up to 8 youth individuals that would reside within the building
- CSG is located in 19 counties within Pennsylvania
- There were no official agreements located with regards to Shimp Street
- There will be 1 child per bedroom
- The youth do not have vehicles onsite
- There are 6-8 vehicles anticipated per day visiting the site, including staff
- Most children utilize a regular school bus
- Children typically live onsite for 4-8 months
- There are typically 3 shifts of staff
- Typically, there are 5-7 staff members onsite at one time
- Residents will not be onsite during the day, unless the day is during a weekend or holiday
- CSG provided a neighbor letter of support

The Woodcocks had many concerns, some of which include; the flood zone, traffic, policing & security, recreational shooting, etc.

After the presentation, there was a motion by Mr. Breinich and a second by Mr. Postel to approve the request; the motion was approved by all members present.

There was a motion made by Mr. Kopp with a second by Mr. Breinich to approve an extension of time request until October 14, 2023 to acquire permits, and until October 14, 2025 to complete construction of a project at 664 Fruitville Pike, for previous ZHB case #918. The motion was carried in full by the ZHB.

At approximately 10:32pm, there was a motion by Kopp, with a second by Breinich to adjourn; the motion was carried in full by the ZHB.

Respectfully submitted,



Matthew Reeser
Penn Township Zoning Officer