

**WEST LAMPETER TOWNSHIP
ZONING HEARING BOARD
April 10, 2018**

A meeting of the West Lampeter Township Zoning Hearing Board was held on April 10, 2018 at 7:00 p.m. in the Township Building at 852 Village Road in Lancaster County, PA. Members present were John Howard, Alternate Morey Young, and Alternate Tom Stem. Also present was Recording Secretary Denise Glatfelter, Attorney Edward Browne and Court Reporter Christy Della Rova.

MINUTES APPROVAL – The minutes of the meeting from March 13, 2018 were approved 3-0

Daniel Fisher – Variance and Special Exception – 825 Strasburg Pike

Applicant is requesting a Variance from Section 285-43.D(8)(c) Building Setbacks and Building Size and Special Exception from Section 285-43.D(8)(j)[7] Sale and Procession of Fertilizers.

Parties: Applicant

West Lampeter Township, Represented
By Bill Crosswell, Esquire, and Joellyn Warren
Murray A Miller and Susan von der Luft
767 Strasburg Pike, Strasburg PA 17579
Daryn & Megan Sauder
770 Strasburg Pike, Strasburg PA 17579
Donald Broderick
772 Strasburg Pike Strasburg PA 17579
Byron & Margaret Ebersole
838 Strasburg Pike Strasburg PA 17579
Richard & Norma Hess
765 Strasburg Pike Strasburg Pa 17579

Mr Howard stated that this meeting was a continuation of the March 13, 2018 hearing and that all testimony from the previous month will be incorporated into this evenings continued hearing. All parties and any testimony will still be under the oath taken from the March hearing.

Present were Steve Gergley from Harbor Engineering, representing Daniel Fisher. Mr Gergley stated for the record that the Applicant, Daniel Fisher would be withdrawing his request for a Variance from Section 285-43.D(8)(c).

Mr Gergley on behalf of the applicant submitted a revised plan for the property located at 825 Strasburg Pike. The revised Plan is proposing to demolish an interior portion of the existing building, thereby separating the building in to two buildings, one located within the 100 ft set back and containing 2400sf, and the second building located outside the 100ft set back containing 5440 sf. The two buildings would be separated by 6ft and two new exterior walls with 2- hour fire rating would be constructed. The building containing the 2400 sf would be used for agricultural purposes only. The larger building would be used for the farm related business.

At 7:45pm the members went in to Executive Session to discuss the testimony that was presented. Members returned at 8:00pm. A Motion was made by John Howard and seconded by Morey Young to approve the Special Exemption request from Section 285-43.D(8)(j)[7] for the Sale and Processing of Fertilizers with the following conditions:

- A. Applicants shall comply with all applicable standards and criteria for farm-related businesses establish by the Zoning Ordinance.
- B. Applicant shall obtain a Building/Zoning Permit and approval of a Stormwater Management Site Plan from the Township before performing any construction or other work.
- C. A privacy fence and Norway Spruce screening shown on the Zoning Plan shall be installed prior to the issuance of any occupancy permits by the Township for the Business Use shown on the Zoning Plan.
- D. Applicant shall obtain and Occupancy Permit under both the WLT Construction Code and the WLT Zoning Ordinance prior to occupying or using 825 Strasburg Pike or any building on the property for the use granted by this Decision.
- E. No more than six (6) persons shall be employed at 825 Strasburg Pike with respect to any activity associated with the fertilizer business.
- F. The days and hours of operation of the fertilizer business shall be limited to Mondays thru Fridays from 7am to 9pm and Saturdays from 7am until 4pm
- G. All dry fertilizer mixing operations shall be conducted indoors.
- H. Not more than six (6) fertilizers tanks with a total combined capacity for all tanks of 40,000 gallons shall be permitted at 825 Strasburg Pike.
- I. Except for fertilizer tanks, no outside storage of fertilizer or fertilizer ingredients or components for the Business shall be permitted.
- J. Applicant shall provide and maintain adequate protective and containment areas around the outdoor above ground storage tanks equal to at least 110% of the largest storage tank.
- K. Applicant shall comply with the locations of the Business Use, the Fertilizer Tank Storage Pad, and off- street parking depicted on the Zoning Plan

- L. The use which has been requested by the Applicant (i.e. the sale, processing, and mixing of fertilizers? Shall not generate any traffic or noise which can be heard by neighbors between the hours of 9pm and 7am.
- M. No left turns of tractor trailer trucks from 825 Strasburg Pike onto Strasburg Pike shall be permitted.
- N. Applicant shall comply with the requirements of Act 124 of 2008 including no idling of trucks over 5 tons gross vehicle weight, and installation of proper signage at the property.
- O. Applicant shall obtain all required PennDOT permits for access to and from Strasburg Pike prior to commencing operations of the fertilizer business.
- P. No tractor trailers shall back onto Strasburg Pike from 825 Strasburg Pike or shall back into 825 Strasburg Pike from Strasburg Pike.
- Q. Applicant shall comply with all other applicable local, county, state, and federal laws, ordinances and regulations including, but not limited to the WLT Construction Code, the WLT Subdivision and Land Development Ordinance, and the WLT Stormwater Management Ordinance.
- R. Applicant shall at all times comply with and adhere to the representations contained in this application, as amended, and the evidence presented to the Board or incorporated by reference at the hearings held March 13 and April 10, 2018.
- S. All conditions imposed by the Board shall be referenced as Plan Notes on all final subdivision and/or land development plans hereafter recorded for the Property or any phase or part thereof.
- T. Any violation of the conditions contained in the decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Zoning Ordinance and the Pa. Municipalities Planning Code.
- U. The foregoing Decision shall be binding upon the Applicant, the landowners Samuel S Fisher & Rebecca K Fisher, and Bottom Line Ag Supply, LLC and their respective heirs, legal representatives, successors and assigns.

Motion Approved 3-0.

Meeting adjourned 8:04pm

Respectfully submitted,

Denise Glatfelter