

**MOUNT JOY BOROUGH ZONING HEARING BOARD
MINUTES of MAY 27, 2020**

The Zoning Hearing Board met in the Council Chambers of the Mount Joy Borough Offices, 21 E. Main Street, Mount Joy, on the above date. The meeting was called to order at 7:00 p.m. by Bob Marker. Board members present included George Leyh, Ned Sterling, Michael Melhorn and Alternate Bruce Haigh. Borough officials in attendance included Stacie Gibbs, Zoning Officer. Zoning Hearing Board Solicitor, Joseph Kenneff, Esquire, was present. Michelle Parke, court stenographer was also present.

REORGANIZATION

On a motion by Sterling and a second by Leyh, Bob Marker was nominated for Chair. Marker accepted. Motion passed unanimously 4-0.

On a motion by Sterling and a second by Marker, George Leyh was nominated for Vice Chair. Leyh accepted. Motion passed unanimously 4-0.

On a motion by Marker and a second by Leyh, Ned Sterling was nominated to continue to hold his position of Secretary. Sterling accepted. Motion passed unanimously 4-0.

MINUTES

Meeting minutes of October 30, 2019 were approved on a Motion by Melhorn and a second by Leyh which passed unanimously 5-0.

NEW BUSINESS

Bob Marker read the Standard Board Procedures to all those present. There were no objections to the jurisdiction of the Zoning Hearing Board nor were there any challenges as to the personal or business interest of any member of the Board.

Stacie Gibbs, Zoning Officer was sworn in.

CASE NO. 1

The applicant, JanMichael Kramer, 340 Anchor Road, Elizabethtown, PA 17022 requested a Special Exception of Section 270.115.F, to change from one nonconforming use to another, to operate, manufacturer and store home décor products at the property located at 170 New Haven Street, Mount Joy, PA. The property is located in the Medium Density Residential Zoning District.

EXHIBITS

BOARD:

- B-1 – Zoning Hearing Board Application
- B-2 – Legal Ad with Proof of Publication.
- B-3 - Neighbor Notification Letters.

APPLICANTS

A-1 – Agreement For The Sale Of Commercial Real Estate.

A-2 – Lancaster County GIS picture of the property.

Mike Grab with Nikolaus & Hohenadel, LLP was sworn in. Mr. Grab requested to amend the application to include JanMichaels LLC/DBA JanMichaels Art & Home and also JP Kramer Realty LP. Attorney Kenneff noted the amendment for the record.

JanMichael Kramer, applicant was sworn in.

QUESTIONS AND TESTIMONY

1. Attorney Grab, advised this is an application for Special Exception for the property at 170 New Haven Street, formerly addressed as 125 Pinkerton Road.
2. Grab advised that property is currently in the Medium Density Residential Zoning District.
3. Grab advised the applicant is requesting pursuant to Section 270-115.F of the Zoning Ordinance which is a change of one nonconforming use to another nonconforming use.
4. Grab advised this property was the subject of a prior Zoning Hearing Board decision in November 2014 for the current owner and occupant which is Narrow Mountain Products.
5. Grab advised the applicant is proposing to show although the use is technically different is substantially the similar to the current use which occupies the property in terms of manufacturing and distribution.
6. JanMichael Kramer stated his full name and address for the record.
7. Kramer confirmed he is the principal owner of the entities subject of the application.
8. Kramer confirmed there is an executed Agreement of Sale with the current owner to present to the Zoning Hearing Board.
9. Grab presented the Agreement of Sale to the Board as an Exhibit marked Applicants A-1.
10. Kramer recognized and confirmed that is the Agreement of Sale executed by both him and the seller who are the current owners of the subject property.
11. Kramer advised the existing use was approved by the ZHB by Special Exception.
12. Kramer confirmed that it is his understanding prior to the current use, it was owned and operated by The New Standard Corporation on a fairly extensive basis.
13. Kramer confirmed the proposed use is much less intensive than the current use.
14. Kramer advised they are a wholesale manufacturer of home décor products.
15. Kramer advised they have been in business for 17 years.
16. Kramer advised his business currently has a warehouse in Columbia and two small warehouses in Marietta and Elizabethtown.
17. Kramer advised the warehouse in Columbia is near residences and has been operation at this location for 12 years with no complaints from neighbors.
18. Kramer confirmed as part of the application is submitted some photographs marked as part of Exhibit B-1. Grab reviewed those photographs with the Board.

19. Kramer advised no machines that his business use does not create any noxious fumes or odors. Kramer advised any noise made from the machines are created within the building and will not disturb across property lines.
20. Kramer advised the benefit of him moving his various locations to this Mount Joy property will make it more feasible to have everything under one roof to grow and expand.
21. Grab presented a GIS picture of the property and requested it be marked as Applicants Exhibit A-2.
22. Kramer confirmed the size of the warehouse is 66,000 square feet.
23. Kramer also confirmed there is a substantial paved parking area and provides sufficient parking for the use of the property.
24. Kramer advised his hours of operation would be 7AM-7PM, Monday through Friday and possibly the first Saturday of every month if needed. The hours on Saturday would be 4-6 hours only.
25. Kramer advised he has about 25 employees.
26. Kramer advised he would have standard UPS type trucks coming and going from the property. They may have some tractor trailers coming to drop off supplies.
27. Kramer advised he would have about 50 trucks in and out of all kinds.
28. Kramer advised 80-90 percent of those trucks are smaller trucks.
29. Kramer advised trucks would enter by way of New Haven Street through the rear and wrap around the building and exit the same way.
30. Kramer confirmed there is an indoor loading dock. An entire semi can back into the loading dock and be covered. Kramer intends to use it this way.
31. Leyh asked where this loading dock is. Kramer referred to pictures and indicated where this dock is.
32. Kramer confirmed there would be no retail sales at this location.
33. Haigh asked if the Board is comparing the previously approved decision for Narrow Mountain Products, or New Standard. Gibbs advised it is the last known use.
34. Grab advised in the previous decision, the applicant at that time anticipated 4 large truck trips to the property per week. Grab advised this amount will still never reach the 75-100 trips that were generated by the previous occupant of New Standard.
35. Melhorn asked Gibbs what Narrow Mountain Products does. Gibbs advised they make display units.
36. Marker thought there was more than one business in that building with Narrow Mountain. Kramer believes his wife had a business. Gibbs advised they had an office.
37. Grab read and reviewed the description of Narrow Mountain Products from the previously approved decision.
38. Marker asked if he had any estimate on the number of employees he would like to have during expansion. Kramer did not.
39. Grab advised Kramer gets some wholesale buyers that come in from out of town to look at products and generally stay overnight. Kramer advised he would promote folks utilizing the downtown Mount Joy area to his clients.
40. Gibbs asked if Kramer had an inspection yet in accordance with his Sales Agreement. Kramer advised they are waiting until the meeting was over to move forward.
41. Melhorn asked how many parking spaces exist on the property. Kramer did not know off hand.
42. Melhorn wanted to make sure signage would remain or be installed for directing truck traffic so they do not come in or go out onto Pinkerton and then Marietta Avenue.

43. Kramer advised their plan is to put the employee parking within the fenced in area in the back so they would not interfere with truck turning movements.
44. Melhorn asked if Kramer would maintain the tree line along the property. Kramer believes that is also on the property.
45. Melhorn advised that buffer should continued to be maintained and not cut down. Kramer advised he has no plans on removing the trees.
46. Gibbs asked Kramer if he is aware of the upcoming road project on Pinkerton. Kramer advised he is aware of the project.
47. Kramer advised he would have no objective on replacing the existing signs with the same signs for his business.
48. Haigh asked if Kramer would agree to maintain the fencing. Kramer advised the fence is on his property and would maintain it.
49. Leyh asked if Kramer would be installing a sign on the building. Kramer advised they are wholesale so they do not want everyone knocking on their door. Kramer advised it will be a very low-key sign with their name on it.
50. Leyh asked about the glue that is used to create some products. Kramer advised it is water based.
51. Leyh asked if clean-up of the facility involves any hazardous materials. Kramer advised everything they use is all water based.
52. Leyh asked if there is any kind of burning of materials. Kramer advised there is no burning.
53. Leyh advised that if there was burning it would produce vapors and that is not permitted.
54. Haigh asked if he has to install any air control pollution device for any equipment or saws. Kramer said that is not required for his business.
55. Sterling had questions regarding traffic in and out. Kramer advised a lot of customers have vans and cars and would be about 50 a week. Kramer advised 1 tractor trailer trip per day at the most would be entering and existing the property.
56. Haigh asked if there would be storage of materials outside. Kramer advised there would be no outdoor storage and that is why they are moving to this location.
57. Haigh asked if they would have a dumpster outside for scraps. Kramer confirmed they would have a dumpster.
58. Marker asked if Kramer would be using the entire building. Kramer advised they would grow into it.
59. Marker asked how much is warehousing and how much is production. Kramer said it is about half and half.
60. Attorney Kenneff asked if any semi-tractor trailer will increase with any expansion. Kramer advised there should really be no increase because they ship out by the skids. Kramer said right now they are shipping 3-4 skids in an empty trailer. Kramer said they would fill up a trailer rather than have them make an extra trip.
61. Kramer advised at the most, with an expansion the truck traffic would increase to 2 per day. Kramer advised they sell a lot of small items and can fit a lot on a skid.

Attorney Kenneff opened the meeting up for public questions.

1. James Royer, 289 Marietta Avenue, Mount Joy asked how many employees in total he would have. Kramer advised he currently has 25 employees that would be moving to this location. Kramer advised he does not plan on adding staff, he just needs a bigger facility. Kramer advised there maybe 5-10 additional employees added in the future.

2. Royer asked how many total pieces of equipment he will be using. Kramer advised between production there may be about 30 pieces of machinery which are all small, basic machines.
3. Royer asked if he plans on using a public address system to call on employees. Kramer advise they use walkie talkies.

**Attorney Kenneff opened the meeting up for public comment.
James Royer, 289 Marietta Avenue, Mount Joy, PA was sworn in.**

1. James Royer advised he lived there since 1981 and he has been through a lot things there. He keeps hearing about New Standard, New Standard was really a nonconforming use and they were going way beyond what they should have been doing in a residential area. Royer advised it does not seem that will be the case with this operation. Royer does not want any comparing to New Standard as if that was an acceptable operation in a residential district. Royer asked Kramer to keep in mind this is a residential area.

Attorney Kenneff closed the taking of public comments.

ACTIONS BY THE BOARD

A motion was made by Sterling and seconded by Leyh to grant the application made by JanMichael Kramer, 340 Anchor Road, Elizabethtown, PA 17022 for a Special Exception of Section 270.115.F, to change from one nonconforming use to another, to operate, manufacturer and store home décor products at the property located at 170 New Haven Street, Mount Joy, PA conditioned upon the appropriate signage instructing truck drivers to not use Pinkerton Road for truck traffic be replaced from the existing Narrow Mountain signage directing such with its own signage. *The Motion passed by a 5-0 vote*

ADJOURNMENT

**On a motion by Leyh and a second by Melhorn, the meeting was adjourned.
*Motion carried 5-0.***

Respectfully submitted,

Adopted this ___ day of _____, 2020

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary