

**MOUNT JOY BOROUGH ZONING HEARING BOARD
MINUTES of DECEMBER 16, 2020**

The Zoning Hearing Board virtually via ZOOM 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 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.

MINUTES

Meeting minutes of November 18, 2020 were approved as corrected on a Motion by Haigh and a second by Sterling 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 Guardian Properties, LLC, 1834 Freedom Rd., Lancaster, PA 17601 is requesting a Special Exception of Section 270.115.F, to change from one nonconforming use to another, to manufacture crowd control barriers, stage equipment, and theatrical lights; rental and sales of temporary turf protection; and long-term storage of musical stage sets and scenery at the property located at 170 New Haven Street, Mount Joy, PA. The property is 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.

APPLICANT:

- A-1- Plot Plan
- A-2 – Internal layout of building.
- A-3 – Picture of front of building.

Bernadette Hohenadel, Esquire was present on behalf of James Dolphin (JB), member and manager of Guardian Properties who was sworn in, and Joseph Zimmerman was also sworn in.

QUESTIONS AND TESTIMONY

1. Attorney Hohenadel advised the application is by Guardian Properties LLC who are the equitable owners of the property located at 170 New Haven Street.
2. Property is owned by Joshua May and Jacqueline Sensenig and have signed off on this application.
3. The property is approximately 4.2 acres and is in the Medium Density Zoning District.
4. It is improved with an existing 65,000sf building which was recently used for light manufacturing and warehousing which rendered that use a nonconforming use.
5. There are ariel photos that were submitted with the applicants' package and board members were provided with those photos.
6. They are proposing to substitute one nonconforming use for another within the existing use on the property and therefore are requesting a Special Exception per Section 270-115.F of the Borough Zoning Ordinance.
7. JB advised Guardian Properties is their newly formed real estate holding company for Guardian Barrier Services. Their operating company manufacturers and rents crowd control barricades to the music industry.
8. JB advised they are currently in a rental warehouse and they need more space.
9. Hohenadel shared a plot plan on the screen, and it has been entered into the record and marked as Applicants' Exhibit A-1.
10. JB advised there is 60,000 sf building surrounded by paved space with loading docks, and a fenced in outdoor storage area to the rear.
11. JB advised access for vehicles is provided through New Haven Street through the rear of the building. JB advised the front of the building is towards Pinkerton Road.
12. JB advised the property was used for manufacturing of retail displays. JB advised there were small machines, paint booth, welding, and woodworking in the building. JB advised there was loading of trucks, warehousing, and distribution.
13. JB advised they did have materials stored in the rear in the fenced in area.
14. JB advised their primary business is in rentals. They rent crowd control products to the entertainment industry and operate on a national level. Their local clusters of business are in Hershey and Philadelphia. They supply crowd control staging, lighting equipment, temporary ground cover and welding and manufacturing barricades on site. Largely it is just warehousing and distribution.
15. Hohenadel entered into the record Exhibit A-2 an internal layout of the business.
16. JB advised GBS is Guardian Barrier Services where the bulk of their rental equipment will be contained. In the bottom center labeled Iron Strong is where the manufacturing facilities will be located as they produce their own aluminum barricades. Flooring products are also stored in the building for temporary ground cover.
17. JB advised in the middle of the building is Piggus where they provide long term storage for theatrical stage sets. There is also a lighting division for spotlight stage lighting.
18. JB advised there are other spaces divided they do not know what do with yet and would like the option to rent those to other similar uses.
19. Hohenadel asked if the common areas are restrooms. JB advised they are restrooms or hallways.

20. Hohenadel asked if there are to be interior structural changes. JB advised they will be creating internal openings. JB advised the office space is in dire need of renovations. JB advised all the bathrooms need to be completely renovated.
21. Hohenadel entered into the record Exhibit A-3 a photograph marked A3 of the external appearance of the front of the building. She requested JB explain what they may be doing to the front of the building or any other area of the exterior of the building.
22. JB advised they are planning to improve the façade of the building and retain the stone area. JB advised they probably will be installing new windows. In the inside there is a 2-story office area, and they would restore it to a one-story office area, it needs to be painted, several trees to be planted along building, and curb and sidewalk need to be addressed.
23. JB advised there are some curb and sidewalk requirements for the Pinkerton Road project.
24. Hohenadel asked if they will be using the outdoor storage area as it is currently being used. JB advised they would like to. They have no immediate needs but would like to have that option in the future.
25. Hohenadel asked how many employees they will have. JB advised Guardian has 12 full time employees year-round and go up to about 18 in the summertime. The other companies would equal similar amounts and varies with the seasons.
26. Hohenadel asked if there is sufficient parking. JB advised there is sufficient parking.
27. Hohenadel asked if there would be truck traffic. JB advise there would be truck traffic. JB advised over the summer months they could have a 12-18 vehicles per week. Over the winter, there may be many weeks they have zero or just a handful.
28. Hohenadel asked what kind of trucks would be entering and exiting the property. JB advised mostly semi-trucks/tractor trailers and some flatbed trucks.
29. Hohenadel asked what hours of operation would be. JB advised normal business hours not normally past 6PM.
30. Hohenadel asked if the building is sprinklered. JB advised the building is sprinklered.
31. Hohenadel asked if there are concerns with dust, fumes, or noise. JB advised there are none of those concerns or hazardous material concerns.
32. Hohenadel asked if it is JB's intent to make the vacant spaces available to other uses and businesses similar in nature to his business. JB advised that is his intention.
33. Melhorn advised he would like to see the buffer tree line remain to separate the residential properties. JB advised he has no plans to remove the buffer tree line.
34. Leyh asked what kind of signage is to be erected. JB advised that is something he has not considered. JB advised it is not an overly important thing to his business. They are not going to have customers that walk up to the door or come visit. Hohenadel advised they are still working on the planning process and will submit to the Borough Zoning Officer for permits.
35. Leyh asked if they plan to add any additional lighting to the property. JB advised he has no plans to add additional lighting to the property.
36. Leyh advised he is glad to hear about the addition of some new landscaping.
37. Leyh asked if all the truck traffic will enter through the New Haven Street entrance. JB advised it is his understanding that is what will be encouraged.
38. Leyh asked how the other companies are related to the one company. JB advised they are his subsidiaries.
39. Marker asked if JB was purchasing the building. Hohenadel advised Guardian Properties LLC will be purchasing the property.
40. Marker asked JB to elaborate on the use of the outdoor storage area. JB advised he understands the sensitivities to that. He advised he does not really have anything to put there right now but would like the option to use it if needed. It would be a

temporary space before it comes into the building. JB advised there would not be junk stored back there.

41. Marker asked if the trucks coming are from customers, or do they own the trucks. JB advised they own 2 semis and a pickup truck, 16' flatbed truck and a 14' trailer. Marker advised he can tell them to stay off Pinkerton. JB advised the New Haven Street access makes sense.
42. Marker asked if there would be outdoor noise. JB advised they do not anticipate any noise outside except for occasional truck unloading.
43. Sterling thanked the applicant for his plans to install landscaping, sidewalk, and curb.
44. Sterling asked if they truck the raw materials in themselves. JB advised most of the time they send their own trucks to pick up the materials and sometimes the company will ship the materials.
45. Sterling asked if there is an exhaust fan in the building for the welding part. JB advised there is an exhaust fan, and the current owner is doing welding now. Sterling asked if he expected any odor. JB advised he does not foresee any noxious odors.
46. Sterling asked if the Board wanted to hear any of the conditions imposed for the other occupants of this building that were granted Special Exceptions.
47. Kenneff advised the Ordinance is not particularly clear but Kenneff advised he believes they should compare it to the most recent use.
48. Hohenadel agreed with that statement.
49. Gibbs advised the company that was before the Board in May never moved in. Therefore, if the Board wanted to compare, they would compare to the current use by Narrow Mountain Products. Gibbs advised she has the approved Decision for Narrow Mountain Products and read some of the conditions to the Board.
50. Gibbs advised the Narrow Mountain signs along Marietta Road will have to be replaced with Guardian Barrier Service signs. JB advised that would not be a problem.
51. Gibbs also advised all the sprinkler and alarm systems have been inspected, tested, and are functioning properly.
52. Haigh wanted to reaffirm they will be planting street trees along Pinkerton Road. JB advised that is correct.
53. Haigh advised if he will be working with the Borough to install curb and sidewalks.
54. Hohenadel advised Borough Council will be addressing that because it is part of the Pinkerton Road project.
55. Haigh advised he wanted to bring to their attention Section 270-115.E. Haigh advised he checked on the web and according to the web, Narrow Mountain Products is permanently closed. Haigh advised the last occupant was Lancaster Screen Printing. Haigh asked if someone could give the certification required under Section 270-115 E.1.B that the nonconforming use has not been abandoned for more than 12 months.
56. Hohenadel advised even if the use stopped operating, attempts to continue marketing it which it has been done for similar use and maintaining equipment within the building are all factors taken into consideration in determining whether a nonconforming use had been abandoned.
57. Haigh advised if the ZHB Solicitor is satisfied with that statement, he is too.
58. Haigh advised the narrative indicates they are required to have 32 to 36 parking spots. Haigh advised instead of dividing by 1.2 they multiplied by 1.2. Haigh advised he calculates based upon the narrative they should have 20 parking spots. He advised Narrow Mountain Products had a requirement for 5 or 6 parking spots. Haigh advised that triggers landscaping of the parking area and buffer yards. Haigh advised the buffer yard is for 4 additional parking spaces. Haigh asked what they plan to do as it relates to the parking area to the South.

59. Hohenadel advised there are trees there now. Haigh advised a landscape plan will need to be worked out between the applicant and the Zoning Officer.
60. Gibbs advised the landscaping plan is not required. Gibbs advised his plan is showing what he is going to do to his property. Although it is not required. Gibbs advised they are not building anything new here and no land development plan is required.
61. Haigh advised what he is referencing. 270-113.E.2.a.2. which is for an area of new parking spaces.
62. Gibbs advised there are no new spaces being created. Kenneff advised the parking is existing.
63. Hohenadel advised just because Narrow Mountain was only required to have 5 parking spaces does not mean there were only 5 parking spaces on the property. Hohenadel advised there were more available spaces at that time and they still exists.
64. Haigh advised he drove by the Iron Strong Metal in Columbia and it appears to be very well-maintained facility from the outside. Haigh asked if any hydraulic sheer metal cutting machines will be used. JB does not know the answer to that question. Haigh advised it appears they are doing Laser cutting according to their literature which does not make noise, but a sheer hydraulic cutting machine would make noise.

Attorney Kenneff opened the meeting up for public questions and public comment.

There were no additional public on the virtual meeting.

Attorney Kenneff asked if there were any additional comments.

A motion was made by Sterling and a second by Melhorn. *Motion carried 5-0.*

ACTIONS BY THE BOARD

A motion was made by Sterling and seconded by Leyh to grant the application made by Guardian Properties, LLC, 1834 Freedom Rd., Lancaster, PA 17601 for a Special Exception of Section 270.115.F, to change from one nonconforming use to another, to manufacture crowd control barriers, stage equipment, and theatrical lights; rental and sales of temporary turf protection; and long-term storage of musical stage sets and scenery at the property located at 170 New Haven Street, Mount Joy, PA subject to conditions that include providing appropriate signage and replacing any current signage to instruct truck traffic to utilize New Haven Street and not Pinkerton Road and to providing screening along the western boundary of the storage area. ***The Motion carried 5-0.***

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 _____, 2021

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary