

**MOUNT JOY BOROUGH ZONING HEARING BOARD
MINUTES of December 17, 2015**

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 Cindi Jerman. Board members present included Ned Sterling, Shelby Chunko, and George Leyh. 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 of the March 25, 2015, meeting of the Board were approved as amended on a Motion by Jerman and a second by Chunko which passed unanimously 4-0.

NEW BUSINESS

Cindi Jerman 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, Michael Lake, 2936 S. Queen St., Dallastown, PA 17313, requested a Variance of §270-65.E(1) to allow vehicle display and storage of vehicles within the right-of-way, for the proposed use of an auto dealership at the property located at 259 W. Main St., Mount Joy, PA 17552. The property is located in the General Commercial Zoning District.

EXHIBITS

APPLICANTS:

A-1 – Zoning Hearing Board Application and Plan.

BOARD:

B-1 – Legal Ad with Proof of Publication December 3rd and December 10, 2015.

B-2 - Neighbor Notification Letters mailed December 7, 2015

Shelby Chunko recused herself from the case because she cannot remain impartial.

Edward Ostrowski (Ed) with Harbor Engineering, 41 S. Main Street, Manheim, PA 17545, was sworn in. Mr. Ostrowski is filling in for Steve Gergely on behalf of the applicant, Michael Lake.

Michael Lake, Applicant, 2936 S. Queen Street, Dallastown, PA was sworn in. Attorney Joseph Kenneff advised we will refer to him as Mike.

QUESTIONS AND TESTIMONY

1. Ed advised that the property is located at 259 W. Main Street, Mount Joy, PA 17552.
2. Ed advised it is a 2 acre parcel.
3. Ed advised it use to be Spangler Auto years ago.
4. Ed advised the American Legion purchased the property and used it as overflow parking, storage and meeting place.
5. Ed advised there is a 1,200 square foot building on the property.
6. Ed advised the northern property line abuts Norfolk Southern.
7. Ed advised that there are two (2) existing entry points with depressed curb.
8. Ed advised that the proposed name of the business is Unique Auto Sales.
9. Ed advised that they are proposing to be open for business 9:00 AM to 8:00 PM Monday through Friday. And 9:00 AM to 5:00 PM on Saturdays.
10. Ed advised that per the Building Code, the property will need an accessible parking space.
11. Ed advised per the existing Mount Joy Borough Zoning Ordinance, one off-street parking space is required for every fifteen (15) display vehicles, and one off-street parking space for every employee.
12. Ed further advised that the Zoning Exhibit depicts four (4) proposed off-street parking spaces for customers.
13. Ed advised that the applicant will be the only one working at the business.
14. Ed advised that the applicant is requesting a Variance of Section 270-65E.1 which does not allow for the display of vehicles in the right-of-way.
15. Ed advised that there is an existing 5' sidewalk, and immediately off of the sidewalk is a paved area.
16. Ed advised that the encroachment into the right-of-way is from 1' -5' along West Main Street.
17. Cindi Jerman questioned if cars will be parked on the sidewalk. Ed advised that the paving abuts the existing sidewalk, so no cars will be parked on the sidewalk.
18. Ed further advised that there will be no safety issues for pedestrians.

19. Ed advised that the property proposes several hardships including the railroad and existing triangle configuration of the lot. Ed advised that display would be an issue as well as circulation.
20. Ed advised that they're not adding additional pavement.
21. Attorney Kenneff asked how many vehicles will be displayed.
22. Ed advised that there will be 15-20 vehicles displayed if compact cars, but it will depend on the kind of vehicle to be displayed.
23. Ned Sterling questioned the two (2) sets of parking on the North side of the lot. Ed advised those are reserved for customers and employee.
24. Cindi advised that she does not see how twenty (20) vehicles will be able to be displayed on the lot.
25. Ed advised that twenty (20) includes four (4) for customers.
26. Cindi questioned if Norfolk Southern was contacted regarding encroachment. Ed advised that Norfolk Southern received a copy of the public notice from the Zoning Officer, but they were not contacted directly.
27. Attorney Kenneff questioned who the current owner of record is.
28. Michael Lake advised that he is the current owner of record.
29. Attorney Kenneff asked who the previous owner was.
30. Michael Lake advised that the American Legion was the previous owner of the property.
31. George Leyh asked if cars or trucks will be displayed.
32. Mike advised that mainly cars will be displayed.
33. George questioned if the Unique Auto Sales sign that is up now is going to be the only sign that is going to be installed.
34. Mike advised that there will be no different signage.
35. George questioned if bumpers or parking blocks will be installed.
36. Mike advised that they will be installed right behind the existing sidewalk along Main Street.
37. George asked if only auto sales will be taking place at the business.
38. Mike advised that only auto sales will be taking place, no repairs, maybe some waxing of vehicles.

39. George asked if there will be any detailing or maintenance work.
40. Mike advised no detailing or maintenance work.
41. Ned questioned why Mike decided to locate to Mount Joy Borough.
42. Mike advised that Mount Joy Borough is a small town, very nice and he got a good price on the lot.
43. Cindi asked if Mike would be moving his family to Mount Joy.
44. Mike advised that maybe in the future he would move his family to Mount Joy.
45. George asked if there will be any improvements to the lot.
46. Mike advised no improvements other than he would like to repave the lot.
47. Ned questioned if they would be striping for the parking spaces.
48. Mike advised that is a requirement and they would be doing that before they open.

Attorney Kenneff asked if there were any questions from the public.

Wendy Melhorn, 612 W. Main Street, asked if they plan to use both curb cut entrances/exits on the property. Ed advised that they do plan to use both.

Attorney Kenneff asked if there were any comments from the public.

Michael Lake's father, Michael Lake, Sr. was sworn in to advise that all state requirements were met and a permit has been received.

**On a motion by Jerman and a second by Sterling, the taking of testimony was closed.
*Motion carried 3-0.***

ACTIONS BY THE BOARD

A motion was made by Sterling and seconded by Leyh, to approve the application made by Michael Lake, 2936 S. Queen St., Dallastown, PA 17313, requesting a Variance of §270-65.E(1) to allow vehicle display and storage of vehicles within the right-of-way, for the proposed use of an auto dealership at the property located at 259 W. Main St., Mount Joy, PA 17552. The Motion passed by a 3-0 vote with the Board's established standard conditions and additional conditions as follows:

1. The applicant shall at all times be bound by its plans and promises as presented to the Zoning Hearing Board, either in written or oral testimony, as part of the hearing and/or its application.
2. The applicant shall obtain any necessary approvals and permits as may be required by applicable laws and regulations, including but not limited to Borough Zoning/Building Permits and Water/Sewer Permits as per the Mount Joy Borough Authority Rules and Regulations.
3. All employees shall park on the premises.
4. There shall be no more than sixteen (16) display vehicles on the premises at one time.
5. All vehicles displayed for sale shall be located on the premises.
6. The hours of operation shall be from 9:00 A.M. to 8:00 P.M., Monday through Friday, and Saturday, 9:00 A.M. to 5:00 P.M. There will be no Sunday hours of operation.
7. A violation of any of the conditions of this decision shall constitute a violation of the Ordinance.
8. The decision shall bind the applicant, his heirs, successors, grantees and assigns.

OTHER MATTER PROPER TO COME BEFORE THE BOARD

The Zoning Hearing Board was provided with a copy of Kyle R. Miller's resignation as the alternate for the Zoning Hearing Board. Gibbs advised that Borough Council accepted the resignation at their October 5, 2015 meeting.

The Zoning Hearing Board was provided a copy of a resume and letter of interest for the vacant Zoning Hearing Board alternate position from, J. Michael Melhorn, 612 W. Main Street, Mount Joy, and Bruce Haigh, 504 Rose Petal Lane, Mount Joy, Pa.

On a motion by Jerman and seconded by Chunko, the Zoning Hearing Board recommended Borough Council appoint J. Michael Melhorn as the alternate Zoning Hearing Board Member to fill the vacant term to January 1, 2017. ***Motion carried 3-0 with Ned Sterling abstaining.***

ADJOURNMENT

**On a motion by Jerman and a second by Leyh, the meeting was adjourned.
*Motion carried 4-0.***

Respectfully submitted,

Adopted this ____ day of _____, 2016

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary