

**MOUNT JOY BOROUGH ZONING HEARING BOARD
MINUTES of SEPTEMBER 22, 2021**

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 including Ned Sterling, Alecia Hair, George Leyh, 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 April 28, 2021 were approved as corrected on a Motion by Melhorn and a second by Haigh. Motion carried 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 Reist Seed Company, 113 Manheim Street, Mount Joy, PA requested a variance of Section 270-47.A (Table of Lot & Setbacks) to construct a dust collection system within the North side yard setback. The property is in the Light Industrial Zoning District.

EXHIBITS

BOARD:

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

Mike Higgins, President of Reist Popcorn was sworn in.

QUESTIONS AND TESTIMONY

1. Attorney Kenneff asked if address is 113 Manheim Street, Mount Joy. Mike Higgins confirmed.
2. Kenneff asked if the place of business was Reist Seed. Higgins confirmed.
3. Higgins advised they are requesting a variance setback to install modern dust collection equipment.
4. Their existing equipment is from 1980.
5. Higgins advised the equipment would be installed on the North side in the side yard setback.
6. Higgins advised it would be installed on a rack steel structure.
7. Higgins advised they are trying to prevent dust from inside.

8. Higgins advised it would be collected in bag house.
9. Higgins advised the business increased by 30% and they added 3 new employees for a total of 17.
10. Higgins advised this new system would be a benefit to the employees and provide cleaner air.
11. Higgins advised this system will be compliant with OSHA regulations.
12. Higgins advised every facility working with grain has a high risk of fire and explosion if dust is laying around.
13. Kenneff asked how far into the setback would the equipment be placed. Higgins advised 12 feet.
14. Higgins advised the equipment would be approximately 14' off the ground and would not impede the existing mural.
15. Higgins advised the equipment is quiet not loud.
16. Kenneff asked what borders this area. Higgins advised the railroad tracks and a retention wall on the property line.
17. Ned Sterling asked how high the equipment would be. Higgins advised it would be 60' at the highest point.
18. Kenneff asked why the setback cannot be met. Higgins advised the location of the collection system exists in the center of the plan and this is the area where the system would be able to access all parts of the plant.
19. Kenneff asked if they could install it anywhere else. Higgins advised they could not.
20. Sterling asked how it would be emptied. Higgins advised the system has augers to convey into the building and out to a truck.
21. Sterling asked if the old system will also be used. Higgins advised it will be.
22. George Leyh asked if the rack would be replaced. Higgins advised they are adding to the existing rack.
23. Leyh asked if the new system would be the same. Higgins advised yes it will be the same and grass will remain under the rack and require some footings for installation.
24. Leyh asked about noise level. Higgins advised it will be a little quieter than the existing equipment. Haigh asked if he knew the decibel level. Higgins did not.
25. Melhorn asked if the binds stick up. Higgins advised the bag house will stick up.
26. Haigh asked if it is already nonconforming. Higgins advised it is.
27. Haigh asked what the maximum height allowed is. Gibbs advised section 270-47.B(1)(3) allows for 90' maximum height.
28. Haigh asked if the work space was tied to the bag house. Higgins advised it is.
29. Higgins advised OSHA highly recommended doing this 4 years ago.

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

No public had any questions or public comment.

On a motion by Sterling and second by Leyh the taking of testimony was closed. *Motion carried 5-0.*

ACTIONS BY THE BOARD

On a motion by Sterling and a second by Leyh the Zoning Hearing Board approved the application of Reist Seed Company, 113 Manheim Street, Mount Joy, PA for a variance of Section 270-47.A (Table of Lot & Setbacks) to construct a dust collection system within the North side yard setback subject to the following conditions:

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. A violation of any of the conditions of this decision shall constitute a violation of the Ordinance.
4. The decision shall bind the applicant, his heirs, successors, grantees and assigns.

Motion carried 5-0.

CASE NO. 2

The applicants, Brian & Angela Bechtold, 317 Brittany Ln, Mount Joy, PA 17552 are requested a variance of §270-47.A (Table of Lot & Setbacks) to construct an attached deck within the side yard setback. The property is in the Medium High 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

Brian and Angela Bechtold were sworn in.

QUESTIONS AND TESTIMONY

1. Kenneff asked how big the lot is. B. Bechtold advised it is 40 x 1000 or 4000sf.
2. B. Bechtold advised there is a house and a 11 x 30 paver patio to the rear.
3. B. Bechtold advised they plan to build a 10 x 13 deck partly off the rear corner of the home.
4. B. Bechtold advised it will be on the North side bump out and they plan to replace a large window with sliding glass doors off the second floor to the proposed deck.
5. Kenneff asked if the proposed deck will encroach 3' into the side yard setback. B. Bechtold advised that is correct.
6. Kenneff asked why they cannot build it anywhere else on the property.
7. A. Bechtold advised putting posts on the inside of the existing retaining wall will destroy the paver patio.
8. A. Bechtold also advised it will render part of the patio unusable.

9. A. Bechtold advised it is such a small property and the right place to put the deck posts is on the outside of the retaining wall.
10. Kenneff asked if there were any stormwater issues with the neighbors. B. Bechtold advised there are no issues.
11. Sterling asked if the HOA has approved it. B. Bechtold advised they wanted to take this step first.
12. Sterling advised the wall is in the setback.

The Zoning Hearing Board went off the record and the applicants stepped out of the room.

The Zoning Hearing Board went back on the record and the applicants have amended their application to not go over the existing nonconforming retaining wall.

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

No public had any questions or public comment.

**On a motion by Sterling and second by Melhorn the taking of testimony was closed.
*Motion carried 5-0.***

ACTIONS BY THE BOARD

On a motion by Sterling and a second by Melhorn the Zoning Hearing Board approved the application of Brian & Angela Bechtold, 317 Brittany Ln, Mount Joy, PA for a variance of §270-47.A (Table of Lot & Setbacks) to construct an attached deck within the side yard setback subject to the following conditions.

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. The proposed deck or any part of the deck structure cannot extend any further into the side yard setback at any point of the existing retaining wall.
4. A violation of any of the conditions of this decision shall constitute a violation of the Ordinance.
5. The decision shall bind the applicant, his heirs, successors, grantees and assigns.

Motion carried 5-0.

ADJOURNMENT

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

Respectfully submitted,

Adopted this ____ day of _____, 2022

Stacie Gibbs, Zoning Officer

Ned Sterling, Secretary