

APPROVED

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
APRIL 7, 2022**

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman  
David Seiler, Vice Chairman  
Sande Cunningham, Secretary  
Chris Shuttlesworth  
Mark Bair  
Stacey Ankrum, Alternate

**ALSO IN**

**ATTENDANCE:** Randall Heilman, Director of Community Development  
Timothy Holmes, Zoning Officer  
John Luciani, Deputy Zoning Officer  
Gavin Markey, Solicitor  
Abby Gibb  
Sue Sipe, Stenographer

**1. CALL TO ORDER:**

**A. Pledge of Allegiance**

Chairman Achenbach called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He introduced the members of the Board.

**2. ACTION ON THE MINUTES**

**A. MARCH 3, 2022**

**MR. SEILER MOVED FOR APPROVAL OF THE MARCH 3, 2022 ZONING HEARING BOARD MINUTES AS PRESENTED. MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY CARRIED.**

Chairman Achenbach asked if the cases were properly advertised. Mr. Holmes responded that notifications had been made.

**3. OLD BUSINESS**

Solicitor Markey stated the following cases have been withdrawn:

Case Zone-2021-0012 – 51 Jean Lo Way

Variance withdrawn for proposed residential addition to encroach into setback.

Case Zone-2022-0001 – 1550 Whiteford Road

Variance withdrawn for a truck terminal (non-conforming use).

Chairman Achenbach stated the withdrawn cases reflect the efforts conducted by the Zoning Hearing Board members as well as the staff, legal counsel and stenographers to serve applicants in evaluating their cases as presented in the most helpful and positive way. These two cases are good examples of how that functioned as it should as it gave the applicants the opportunity to explore the application and the facts. He noted the applicants were encouraged to look at their proposals in ways they had not considered initially. He commended the Board for an excellent job in moving the process forward in a positive way by helping the applicants realize their case was slightly different from what they originally presented.

Solicitor Markey noted the latter case withdrawn for 1550 Whiteford Road may be re-presented at a later time. He stated in both cases the preparation from the beginning was not as thorough as it should have been and that necessitated the Board to have hearings and continuances to attempt to develop the case for the applicant with the assistance of the township engineer. Through those efforts for potential approvals, the applicants realized they needed more time to re-evaluate their case.

**MR. SEILER MOVED TO ACCEPT THE WITHDRAWALS AS SUBMITTED BY LETTER ON THE AFOREMENTIONED CASES. MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY CARRIED.**

4. **NEW BUSINESS**

A. **Case Zone-2022-0004 BCI IV Stonewood Logistics Center, LLC – 125 Stonewood Drive**

Attorney Charles Suhr, Stevens & Lee  
Brian Pawlowski

All witnesses were sworn in.

Mr. Holmes indicated they received the permit application for a fence to include a guard shack. He explained to the applicant in order to install the fence, the guard shack would be considered an accessory structure and the placement proposed was towards the front side of the property rather than the rear of the building.

Att. Suhr stated BCI IV is the owner of the property and has been approved by the Township for development with approximately a 221,000 sq. ft. warehouse distribution building. The building has been developed and is tentative at this time. He indicated the project they are proposing is due to tenant needs for extra security with fencing around the parking areas as well as a guard shack for security. The fencing has been erected and a permit was received. The permit for the guard shack has been issued conditionally based on approval of the Board. He noted they are requesting relief from §325-134(B) which requires that accessory structures are to be located to the rear of the primary building. He noted the guard shack as proposed is along the side of the building approximately 300 feet set back from the right of way.

Mr. Pawlowski stated he works for Ares Management, owner of the building. He noted his role as principal construction management is to work with their tenants to manage their improvements and to help maintain their buildings, run the capital plan and to assist in developing new buildings. Their company is located in Rutherford, New Jersey. Mr. Pawlowski stated their company handles industrial assets for the purpose of distribution of goods. The company is a financial services firm, publicly traded of which they have a real estate division which owns real estate equities. They also offer real estate investments products. Mr. Pawlowski indicated this building was previously owned by Black Creek Group. He stated BCI-IV Acquisitions is a special entity for the purposes of owning and managing the building, which is owned by Ares Management.

Mr. Pawlowski identified the exhibits which were distributed to the Board:

Exhibit #1 – Resume for Mr. Pawlowski

Exhibit #2 – Application to the Zoning Hearing Board – Mr. Pawlowski confirmed he reviewed and authorized the filing of the application.

Exhibit #3 – Deed to the property – showing the current ownership is under the BCI IV Stonewood entity.

Exhibit #4 – Aerial view of the site taken from the tax assessment records online. This shows the property undeveloped at the time. Mr. Pawlowski identified the industrial buildings adjacent to the site. He noted there are no residential areas in the vicinity.

Exhibit #5 – Recorded Land Development plans with the proposed conditions approved by the Township. Mr. Pawlowski described the elements of the site. The warehouse building is 221,000 sq. ft. He pointed out the truck/loading court. He described the route of the trucks and vehicles which access the property. Mr. Pawlowski stated the building is constructed. The tenant has several improvements underway. The tenant is Sycreon, Inc. which is a third-party logistics company. They work with client companies to distribute their goods. For this site they are distributing electronics for Dell Computer. They will fulfill directly to businesses or to consumers. Sycreon also has a site in Carlisle and Middletown. Mr. Pawlowski indicated security is a high priority and is in their contract with Dell.

Exhibit #6 – Proposed Conditions Site Layout plan – Mr. Pawlowski explained the drawing depicts the fencing plan as well as the proposed location for the guard shack. The installed fencing is a 6 ft. high chain-link fence starting at the southwest corner of the building and encloses the entirety of the truck court as well as the back parking lot terminating at the northeast corner of the building. There are two swinging gates at the southwest corner which are manually operated by a 24-hr. security guard.

The guard shack is shown on the plan at the southwest corner. The size is an 8 x 10 ft. structure, one story building and will be heated and cooled. There is data connection in the building. There will be one guard on a three-shift rotation who resides in the structure 24/7 every day. The guard will be checking in and out any truck traffic moving in the fenced in area. They will also conduct exterior assessments to assure the site is secure. There will be signage which will instructs drivers to stop at the guard shack.

Mr. Pawlowski pointed out the location of the gates on the plan. He noted the distance from the guard shack to the right of way line at Stonewood is approximately 300 ft.

Att. Suhr referred to the ordinance standard §325-134(B) which states accessory structures must be located to the rear of the building. Mr. Pawlowski indicated the guard shack is not located to the rear of the building and pointed out the location noting because it faces Stonewood Road which is the right of way, is considered the front of the building with the primary entrance. He pointed out the rear of the building which is on the east side. Mr. Pawlowski indicated functionally it was impractical to locate the guard shack at the rear since trucks would have to enter the secure restricted space before they could be checked by the guard. He pointed out the guard shack needed to be as near to the gate as possible so as to check in trucks and other vehicles before entering the secure area. He noted Sycreon has a similar set up at their other locations.

Att. Suhr noted in reviewing the variance standards, the applicant must determine if there are unnecessary hardships related to project which preclude the applicant from developing the property in accordance with the restrictions. He noted this is a dimensional variance referring to the use of the guard shack and the placement.

Mr. Pawlowski described the shape of the lot which he noted is rectangular. The access point is on the short side of the rectangle. Mr. Pawlowski stated the building needed to be laid out this way because of the configuration of the lot and the placement of the truck loading docks on the long side of the building to maximize the number of loading docks. He noted access was not possible to access the property on the long side of the building so they were constrained on where the guard shack could be placed to be functional. The location where it is proposed is the only vicinity where it would work. Mr. Pawlowski stated it was his belief the guard shack would not have any adverse impact on surrounding property owners. Mr. Pawlowski stated the guard shack was placed back as far as possible from Stonewood Road which is 300 ft.

Att. Suhr reported in talking to the zoning officer there was a complaint about a truck parked on Stonewood Road which he discussed with Mr. Pawlowski. Mr. Pawlowski indicated he spoke to the tenant and they were not aware of the incident but were concerned and made it clear that would not be acceptable and would not happen again. Mr. Pawlowski stated with the security guard on site 24/7 their responsibility is to oversee the sight and should a truck be parked outside they would address the situation.

Mr. Pawlowski provided drawings of the proposed guard shack.

Mr. Pawlowski affirmed there is no kitchen or bathroom facilities in the guard shack. He noted the guard would utilize the bathroom inside of the building using a man door on the southwest corner of the building.

Mr. Pawlowski stated the eight-foot side of the guard shack is facing the street which is behind fencing. He believed the guard shack would be compatible with the neighborhood within the fenced enclosure. There is a building permit issued for the structure.

Mr. Pawlowski addressed questions from the Board noting safety is of the utmost concern for Sycreon. High visibility vests are worn at all times. In terms of truck traffic, the truck will come in and proceed to the loading dock, dock their trailer with recently installed trailer restraints and after it is loaded or unloaded the truck will immediately leave the lot. There is no shuttling or storage of trailers on the site.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant.

Martin Szala, General Manager, Metals USA

Witness was sworn in.

Mr. Szala stated his company neighbors the facility on the opposite side of Boxwood Lane. He noted he is not opposed to the applicant but wanted to address safety. He indicated earlier in the week there were five trucks sitting in front of the gate at the facility at 7:00 AM. Three were lined up against the curb, two on the southbound lane of Stonewood Road parallel parked. He noted residential vehicles move through that area which creates a hazard. He noted his business has truck traffic which moves in and out of their buildings as well. He noted there were three trucks parked on the east side of the road, preventing their vehicles, employees and trucks from seeing to exit their site. His concern was how will BCI IV manage to get their trucks into the site so they are not blocking the roadway.

Mr. Luciani stated as township engineer, he has had interaction with the Township and they are in the process of a parking prohibition with posting no truck signs from Boxwood Lane going north to the Sheetz.

In answer to a question from Chairman Achenbach, Mr. Luciani affirmed the Township is part of the solution to the situation of the truck parking on the roadway and therefore there is no additional burden placed on the applicant. However, the applicant would need to assure the warehouse could make appointments close to when they can accept the trucks.

Solicitor Markey stated he had no objection from a legal perspective. He reviewed the case law Attorney Suhr submitted with the application for the variance request. He referred to Mr. Luciani's assertion they will evolve the sign placing to prevent truck parking. He recommended a condition be placed on the approval which would be applicable in the interim to the effect that the applicant shall ensure there are no authorized inbound or outbound truck traffic parking or accumulating truck traffic on surrounding roadways waiting to obtain entrance to the site.

**MR. SEILER MOVED IN THE CASE ZONE-2022-0004 BCI IV THAT THE DIMENSIONAL VARIANCE BE APPROVED SUBJECT TO THE CONDITION AS IDENTIFIED BY ATT. MARKEY AND THE GUARD SHACK BE APPROVED FOR USE. SECONDED BY MR. BAIR. MOTION UNANIMOUSLY PASSED.**

## **5. ADJOURNMENT**

**CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:58 P.M.**

Respectfully submitted,

Secretary  
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