

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
AUGUST 3, 2017**

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman
David Seiler
Sande Cunningham

ALSO IN

ATTENDANCE: Jessica Fieldhouse, Director of Community Development
Raphael Caloia, Assistant Planner
Gavin Markey, Solicitor
Sue Sipe, Stenographer

NOT PRESENT: John Schmitt

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. MAY 4, 2017

MOTION MADE BY MR. SEILER TO APPROVE THE MINUTES OF MAY 4, 2017 AS PRESENTED. MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY PASSED.

Chairman Achenbach asked Ms. Fieldhouse if the case was properly advertised. She responded that notifications had been made.

It was noted that Case Z-06-2017 originally on the agenda is to be continued at a future meeting.

3. OLD BUSINESS

Att. Markey noted he sent out correspondence to the members and to Ms. Fieldhouse regarding the Darrah Motorsports case. He stated the judge has ruled in favor of the Township and the applicant has not appealed to the Commonwealth Court. Consequently, the proceedings relative to that matter have been closed.

4. NEW BUSINESS

A. Case Z-08-2017 Brewery Products Company

All witnesses were sworn in.

Attorney Stacey MacNeal

Adam Anderson, Site Design Concepts

Derek Siegel, Brewery Products

John Keesee, Brewery Products

Att. MacNeal indicated an application was submitted for a special exception for an encroachment into the 100 ft. setback as well a variance from several flood plain requirements. She noted they have withdrawn the flood plain variance request and also made slight revisions to the plan from when it was originally submitted. She indicated the drawing marked as Applicant's Exhibit 1 is the most up-to-date plan.

Att. MacNeal stated the special exception is from S325-71D of the Ordinance in the General Industrial District requiring a 100 ft. setback between industrial use buildings and residential districts. In this case there is a slight encroachment into the 100 ft. setback which is being done for an extension of an existing use and therefore permitted as a special exception.

Mr. Anderson identified Applicant's Exhibit 1 as the different parcels of land currently owned by Brewery Products. He noted Parcel 1 is 8.293 acres, Parcel 2 is .079, Parcel 3 is .073, Parcel 4 is .017 acres and Parcel 50 is 13 acres. Mr. Anderson indicated the parcels will be combined into one parcel of land. There is an additional Parcel 21 and they are working with the property owners to purchase that parcel. The bulk of the property is zoned General Industrial. Parcel 50 is R-7. There were prior discussions about rezoning Parcel 50 which will be reversed subdivided as part of this tract.

Mr. Anderson indicated there are 4 street frontages to the property:

North Sherman Street – 557 ft.

Tenth Avenue – 45 ft.

Eberts Lane – 261 ft.

Along Rt. 83 – approximately 871 ft.

Mr. Anderson identified current improvements on the property as shown on Applicant's Exhibit 1 and Applicant's Exhibit #2 which is an aerial view of the property. Mr. Anderson identified a large warehouse building shown on the exhibit and a large building in the center which is 58,945 sq. ft. There is a smaller building located behind the warehouse at the rear of the property.

Currently parking on the property is two areas consisting of 57 parking and 8 loading docks along the rear of the building, as noted on the plan. There are 2 access points to the property, both are on Sherman Street. There are no changes to the access with the plan and addition.

Mr. Anderson stated Applicant's Exhibit 3 shows the front of the building on Sherman Street. He pointed out the R-7 zoning district on the parcel 50 owned by Brewery Products. The rest of the R-7 zoning boundary is located along the property that fronts along 10th Avenue. There is also R-7 on the properties that front on Eberts Lane. There is an existing buffer yard between the industrial building and the Tenth Avenue properties.

Applicant's Exhibit 6 shows the location of a portion of the buffer yard and Exhibit A-4 shows a photo of a portion of the buffer yard. The buffer yard was recently re-planted.

Applicant Exhibit 11 provides documentation of the authorization to re-plant the buffer yard in September 2015, since what was there previously needed to be refurbished.

Mr. Anderson indicated they are proposing a warehouse expansion of 32,492 sq. ft. with plans to demolish the existing building at the rear of the property. They are also proposing an additional 36 parking spaces for a total of 93 and four additional loading docks for a total of 12 on the rear of the building.

Mr. Anderson noted on the drawing the location of a flood plain on this property. He confirmed that any construction located in the flood plain will meet the Township's flood plain building requirements.

Mr. Anderson indicated the purpose of the addition is for storage of larger variety of product for Brewery Products. It is anticipated there will be no significant impacts in terms of additional employees, hours of operation or any sort of external operational impacts.

No additional traffic is anticipated at this point. Mr. Anderson indicated Applicant's Exhibit #5 as a letter from TRG regarding the trip generation of the proposed expansion. He read the summary of the letter, "The sole purpose of the expansion is to provide additional storage area for holding more types of beers as the market has evolved into increased varieties within the beer industry. No change in truck deliveries is anticipated and only one new employee will be hired as a result of the expansion. Therefore the proposed expansion will have virtually no effect on traffic additions at the driveways or within the area of the facility."

Mr. Anderson indicated the building addition will be used for the storage of a larger variety of beers. The total encroachment is 390 lineal ft. - 221 ft. along the north side and 88 ft. on the east side. 5, 224 sq. ft. will be encroaching into the setback. On the eastern side the encroachment tapers to nothing. The maximum encroachment is 21 ft. on the north side of the property. The encroachment is necessary since they only have a certain amount of separation between the setback and the existing building.

Mr. Anderson indicated the addition on the north side could not be extended further due to site and building constraints. Mr. Anderson indicated there are other site constraints pushing this configuration of the addition. They had looked at the south side of the site which has an existing access drive through. He noted there are grades in that area of the site and a setback with the Rt. 83 right of way. There are also storm water controls on that side. There is an existing fuel island on the site which is determining some of the addition location, as noted on the plan.

Discussion was held regarding the truck circulation and the impact on the addition from the traffic pattern. All the loading docks are located at the rear of the building. There is a paved area for the trucks to maneuver while entering and exiting the site.

Mr. Anderson indicated Applicant's Exhibit A-6 is a picture of the north side of the building facing west which is adjacent to the residential properties. The buffer yard is showing on the right. The building to be demolished coming flush to that setback is the building on the left. He pointed out the space being used for parking, trucks, etc.

Applicant's Exhibit A-7 shows a corner of the access drive, as noted on the plan. Mr. Anderson indicated they are not proposing any changes to that corner.

Applicant's Exhibit A-8 – showing a picture of the existing two islands. Mr. Anderson stated these are the residential properties on Eberts Lane shown in the background. No changes are proposed to the area of the fuel islands except for the addition of the paved area. The primary purpose of the bituminous paved area is better circulation of the trucks.

Applicant's Exhibit A-9 – is showing the rear of the building facing west.

Applicant's Exhibit A-10 shows facing south looking at 83 in the background and stormwater facilities in the foreground.

Mr. Anderson confirmed the following:

- The configuration of the site prevents constructing this square footage addition without the limited encroachment into the 100-foot setback. The configuration is due to the truck circulation and is consistent with the purpose and intent of the zoning ordinance. The encroachment will not detract from the use and enjoyment of adjoining or nearby property.
- Existing lighting will not change.
- The buffer yard will provide appropriate buffer from those properties to this proposed addition. This encroachment will not change the character of the neighborhood in any way.
- The development will comply with the floodplain overlay zone requirements. Additionally, the building to be demolished is currently non-conforming and will be replaced with a conforming addition.
- The intended purpose of the proposed use consistent with the township development objectives in the general industrial district.
- The proposed use is in the best interest of the properties in the general areas as well as the community at large.
- The proposed use will not adversely affect surrounding land uses or existing environmental conditions in regards to pollution of air, land, water and noise potential hazards and congestion.
- The proposed use is suitable for the property in question and will be designed, constructed, operated and maintained suitably for the anticipated activity and population served.
- There are adequate and available utilities, services and facilities.
- The proposed use has adequate ingress and egress, interior circulation, off street parking and accessibility.
- The proposed use is in conformance with all other requirements of the Township zoning ordinance.
- The proposed use will require submission and approval of subdivision and land development plan.
- The proposed use will not substantially impair the integrity of the Township's plan.

Att. Markey, Township Solicitor, acknowledged that Mr. Anderson is an expert witness and can express opinions on these matters.

A question was raised regarding interior roads indicated on the aerial map as Bush Blvd. and Eagle Drive. It was noted the roads were not designated access ways and were not used for trucks.

Derek Seigel VP Brewery Products

Mr. Seigel indicated they are a 4th generation family owned business. He thanked the Zoning Hearing Board for their time.

Dave Myers – 808 E 10th Avenue

Mr. Myers was sworn in.

He asked about the addition of the 36 extra parking spaces. Mr. Anderson pointed them out on the plan. He noted they are necessary to meet current Township parking requirements because of the sq. footage of the structure being created.

Mr. Myers questioned if the opening on Tenth Avenue would be open to the street for traffic. Mr. Anderson indicated it would not at this point. Att. MacNeal confirmed it will stay the same way it is now with the exception there could be some buffering required in that area during land development.

Mr. Myers asked what the intent was for the house on Lot 21. Att. MacNeal indicated that property has not yet been acquired. There is no intention of doing anything there at this time.

John Keesee

Mr. Keesee was sworn in.

Mr. Keesee stated there is a guardrail located at the access towards Tenth Avenue. He noted the guardrail was voluntarily added and will not be removed. Discussion was held regarding the consideration of adding a condition that the guardrail be maintained in place.

Att. Markey recommended as part of the reverse subdivision and land development plan that the township engineer and zoning officer should take a look at that situation and see if the Township believes it is an appropriate condition to be placed upon the land development plan for the current configuration.

Att. Markey further indicated the case was adequately presented and the outline from Ms. Fieldhouse is comprehensive and appears to be in favor of the granting of the special exception. It is a permitted use subject to satisfying any specific criteria of which there are none so they fall back on the general criteria and having demonstrated no detriment to the public safety, health and welfare of the surrounding community they are entitled to an approval. There has not been any evidence of a substantial nature in opposition to the request.

MR. SEILER MOVED IN THE CASE OF ZONING HEARING BOARD-17-08 BREWERY PRODUCTS COMPANY TO APPROVE THE REQUEST FOR A SPECIAL EXCEPTION IN ACCORDING WITH S.325-71.D(1)(B)(3) TO ALLOW THE 100 FOOT SETBACK, WITH THE RECOMMENDATION THAT THE ZONING OFFICER AND THE TOWNSHIP ENGINEER REVIEW THE CONDITION ON THE LAND DEVELOPMENT FOR RESTRICTING ACCESS ONTO TENTH AVENUE. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.

7. ADJOURNMENT

CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:45 P.M.

Respectfully submitted,

Secretary

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