

WARRINGTON TOWNSHIP
Minutes of a Regular Meeting of the Township Planning Commission
Held, pursuant to due notice, in the Municipal Building
3345 Rosstown Road, Wellsville, PA 17365
Wednesday, May 25, 2022, 7:00 PM

Presiding: Mr. Richard Bensel, Chairman
Mr. James Barton
Mr. Len Kotz
Mrs. Carla Repman
Mr. James Smedley

Staff Present: Attorney Brian Linsenbach, Solicitor
Mr. Terry Myers, Township Engineer
Mr. C. Eric Swiger, Zoning and Permit Officer
Rebecca Bradshaw, Township Secretary

The meeting was opened with the Pledge to the Flag.

Minutes. Motion was made by Mr. Smedley to approve the minutes with one change. The discussion regarding a fast dog track at Bella Vista should note that the Zoning Officer will need to make sure it complies with the Zoning Ordinance prior to approval of a revised land development plan. Mr. Kotz seconded. Motion carried unanimously.

SUBDIVISIONS/LAND DEVELOPMENT PLANS

None

ZONING HEARINGS

Case # 2022-02 Spangler's Beverage LLC, 7495 Carlisle Road, Wellsville, PA

The application is for a Special Exception in the Village Commercial Zone to expand the current beer distributorship by 1,140 square feet to permit the business to increase inventory. Mr. Grant Anderson, Engineer for Site Design Concepts, represented Spangler's Beverage.

The existing store is approximately 2,229 square feet and part of a strip of three retail storefronts facing Carlisle Road. Each retail storefront is on its own parcel and must adhere to front, side and rear yard setbacks. The structure is an existing non-conforming structure due to the building being located on the side property line, resulting in a zero-side yard setback. The Ordinance requires compliance with Section 419.b) 1-6, that refers to the expansion of nonconformities; Section 604 regarding regulations for a request for Special Exception; and Section 733 regarding Nonconformity, Expansion or Replacement. Section 419 requires a 25-foot setback between the building and the side property line. Section 733 of the Zoning Ordinance allows an expansion of up to 25% (Section 733.2.d says 35%). The Engineer said this item will rule in favor of the applicant.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board. There are two property owners affected by this application and a total of five businesses.

The applicant owns the property with Spangler Beverage at 7495 Carlisle Road. The property at 7487 and 7489 are owned by Giuseppina Ferrante and Carmelo and Giuseppina Ferrante. The 7487 property is a restaurant and the 7489 property contains a hardware store, post office and a party rental company. Only a 750 sq.ft. portion of the total 1,140 sq.ft. expansion is within the required setback and therefore considered the non-conforming portion of the expansion.

Comments were received from Lovascos Restaurant and Shining Star LLC. Mr. Mark Reed from Shining Star said he is a common wall neighbor to Spangler Beverage. He said he hasn't noticed that any of the General Standards in Section 604 f) have been followed by the applicant. Some of his comments were: 1. That extending the building will shorten the distance for vehicles to drive in the rear of the building and what was a two-way space will become one-way, creating a bottleneck. 2. That there is a wetland area within 400 feet of the proposal. 3. The construction would be 28 inches from his door and would allow for only 74 inches of space to pull his vehicle to the loading doors. The vehicle is 71 inches wide and would make loading from his business impossible. His alternative is to break his lease and relocate, causing huge costs to his landlord and himself and loss of business income.

The building owner said she would not be able to sustain the loss of a tenant and could not pay to move the 4 electric meter boxes that Mr. Spangler asked her to do.

The Township Solicitor said he would like to review the common area agreement prior to the Zoning Hearing.

Motion was made by Mr. Bensel and seconded by Mr. Barton to recommend that the Zoning Board clarify following items prior to deciding the case:

1. The common area agreement needs to be reviewed by the Township Solicitor and Engineer
2. The electrical meter box relocation needs addressed along with who is responsible to pay
3. Verification that truck loading and unloading will be adequate for the businesses
4. Verify that the issue of the wall built too close to a loading dock will not adversely affect the neighboring business and if the wall could be moved an additional three feet to accommodate the neighboring business.
5. The wetlands issue will be addressed with the submission of a land development plan.

Motion carried with Mr. Kotz opposing.

BUSINESS

Mr. Eric Swiger was introduced to the Planning Commission as the new Township Code Enforcement and Zoning Officer.

ADJOURNMENT

Motion was made by Mrs. Repman and seconded by Mr. Barton to adjourn the meeting. Motion carried.

The meeting was adjourned at 7:45 PM

Rebecca Bradshaw
Township Secretary

