

WARRINGTON TOWNSHIP
Minutes of the Zoning Hearing Board Meeting
Held, pursuant to due notice, in the Municipal Building
3345 Rosstown Road, Wellsville, PA 17365
Thursday, June 2, 2022, 7:00 PM

Presiding: Mr. Allan Winey, Chairman
Ms. Lisa Frye
Mr. Gregory Seifert

Staff Present: Attorney Scott Harper, Solicitor
Jessica Fieldhouse, C. S. Davidson, Inc.
Eric Swiger, Zoning Officer
Tammy Rinehart, Court Reporter

The meeting was opened with the Pledge to the Flag.

Minutes - Motion was made by Mrs. Frye and seconded by Mr. Seifert to approve the minutes of the February 3, 2022 meeting. Motion carried unanimously.

Zoning Hearing Cases

Case ZHB-2022-02 – Spangler’s Beverage LLC, 7495 Carlisle Road, Wellsville, PA 17365. The applicant is requesting a Special Exception to expand the current beer distributorship by no more than the 35% maximum allowed in the Warrington Township Zoning Ordinance Section 733, to permit the business to increase inventory. The property is in the Village Commercial Zone.

The audience and Staff were sworn in by the Solicitor.

The following testimony was provided:

Jessica Fieldhouse, Township representative, provided a summary of the case.

Each storefront is on its own parcel and must adhere to front, side and rear yard setbacks. The structure is an existing and non-conforming due to the building being located on the side property line, resulting in zero side yard setback. Section 733 of the Township Zoning Ordinance allows a nonconforming structure to expand up to 35%. Per the drawing provided, the expansion measures 25’ x 30’ or 750 square feet representing an expansion of 33.6%. The Township Planning Commission reviewed the Case during their meeting on May 25, 2022 and recommended the following:

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 for payment.
3. Verification that truck loading and unloading will be adequate for the business.
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.

Attorney for the applicant, Suzanne Griest. Attorney Griest introduced Grant Anderson, the applicant's engineer from Site Design Concepts. Attorney Griest said Mr. Anderson recently tested positive for COVID -19 and requested that he be allowed to present his testimony by telephone. The Board agreed. Mr. Anderson provided testimony regarding the facts as he understood them to be relative to the site and its subdivision as it occurred in the 1970's.

Mr. Ashley Spangler, applicant. Mr. Spangler testified regarding his businesses need for growth and expansion to meet the needs of current customers. The need was specifically quantified within the framework of providing additional selection for the local and tourist populations.

Mr. Winey asked for public comment:

Mr. Mark Reed, Shining Star LLC. Mr. Reed is a tenant who rents space for his business from Mr. and Mrs. Ferrante. He listed a number of reasons that expanding the rear of the Spangler building would create negative issues and unnecessary financial impact on the other tenants. Mr. Reed also discussed deed restrictions that he interpreted would prevent the development of this property. Ms. Fieldhouse said that enforcement of deeds is not the Township's responsibility. An attorney would need to investigate those violations.

Mrs. Josie Ferrante. Mrs. Ferrante is the owner of the remainder of the building at 7489 Carlisle Road. She said she is against this expansion for a number of reasons that will impact her and her tenants negatively.

Mr. Giovanni Lovasco. Mr. Lovasco owns Lovasco's Restaurant and rents space from Mrs. Ferrante. He also stated that expanding the building would affect him negatively due to hampering the flow of traffic.

Mr. Winey closed public comment and opened the hearing to Zoning Board discussion.

The Board discussed building concerns such as materials to be used. Ms. Fieldhouse said that land development and Uniform Construction Code construction plan reviews will be discussed during the land development plan stage of this project.

Mr. Winey summarized the case and findings of fact.

Mrs. Frye said that although the concerns brought to the Board's attention by the adjoining owner and tenants are relevant to the development process, they do not have bearing or impact on the approval of a special exception and should be finalized during the land development process.

Motion was made by Mrs. Frye and seconded by Mr. Seifert to approve the special exception. Motion carried unanimously.

Adjournment

Motion was made by Mrs. Frye and seconded by Mr. Seifert to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:15 PM.

Rebecca Bradshaw
Township Secretary