



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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Minutes of a Special Meeting of The Mount Joy Township Zoning Hearing Board Tuesday, July 30, 2024

1. Chairman Gregory R. Hitz, Sr. called the meeting to order at 6:00 P.M. in the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022.
2. Meeting Attendance:
 - Members Present: Gregory R. Hitz, Sr., James E. Hershey, and Robert F. Newton, Jr.
 - Members Absent: None
 - Alternate Member Present: Roni K. Clark
 - Township Representatives: Justin S. Evans, Zoning Officer; Josele Cleary, Esq., Township Solicitor; Kim Kaufman, Township Manager
 - Court Reporter: Veronica Johnston Gouck
 - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
3. A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to approve and ratify the minutes of the June 5, 2024 meeting. All members voted in favor of the motion.
4. Mr. Evans, Township Zoning Officer, stated that a Public Notice was published in the July 15, 2024 and July 22, 2024 editions of the LNP. The subject property was posted on July 19, 2024.
5. Procedural briefing by the Zoning Hearing Board Solicitor
6. Zoning Case #240008
 - a. Applicant/Landowners: Elizabethtown Mount Joy Associates, L.P.
 - b. Property Location:
 - 1) Tax Parcel ID #461-82176-0-0000, located at the northeast corner of Route 230 (W. Main Street) and Cloverleaf Road
 - 2) Tax Parcel ID #461-00486-0-0000, fronting on Cloverleaf Road
 - c. Zoning District: C-2 – General Commercial District
 - d. Special Exception Requests:
 - 1) Chapter 135, Article XIV, §135-133.G – vehicular fueling station accessory to a convenience store
 - 2) Chapter 135, Article XIV, §135-133.L – shopping center in excess of 10,000 sf.

Attorney Rob Lewis of Kaplin Stewart introduced himself as applicant's counsel. He was joined by Todd Smeigh, civil engineer with D.C. Gohn Associates and Greg Creasy, traffic engineer with Grove Miller Engineering. Prior to the commencement of testimony, the following attendees requested party status:

- Donna Bucher, 680 Cloverleaf Road
- Carol Hess, 210 Ridge Run Road
- Jay Brubaker, 382 Ridge Run Road

Attorney Lewis did not object to any of the identified individuals being granted party status. A motion was made by James E. Hershey and seconded by Robert F. Newton, Jr. to grant Ms. Bucher, Ms. Hess, and Mr. Brubaker party status. All members present voted in favor of the motion.

Opening statements from Attorney Lewis acknowledged his client's prior case before the Zoning Hearing Board in which a similar proposal for the property went through a different process. Instead of use variance requests, the applicant is requesting special exception approval for the proposed shopping center and vehicular fueling station. The Township Board of Supervisors rezoned the property from C-1 to C-2 since the previous hearing, enabling the proposed uses to be approved through the special exception process. He noted how this hearing relates to the use of the land, not the engineering design of the project.

The following exhibits were submitted:

- A-1 – Property Deed
- A-2 – Zoning Hearing Application / Cover Letter / Addendum
- A-3 – Aerial Photo
- A-4 – Site Plan
- A-5 – Lighting Plan
- A-6 – Landscape Plan
- A-7 – Mass Transit Consistency Letter
- A-8 – Compliance Details
- A-9 – Streetscape Details
- A-10 – Architectural Elevation
- A-11 – Wawa Elevation
- A-12 – Aldi Elevation
- A-13 – Letter to Zoning Officer Supplementing Application
- A-14 – Settlement Agreement & Stipulated Conditions
- A-15 – Traffic Impact Study (rev. March 2023)
- A-16 – Todd E. Smeigh P.E., C.V.
- A-17 – Gregory E. Creasy P.E., C.V.
- A-18 – Sewer Service Agreement
- A-19 – Water Service Agreement
- A-20 – Lancaster Civil Review Letter

Attorney Lewis began testimony by introducing Mr. Smeigh and reviewing his credentials as an expert in civil engineering. A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to accept Mr. Smeigh as an expert in civil engineering. All members present voted in favor of the motion.

Mr. Smeigh described the 22-acre site and adjoining uses of Norlanco Medical Center to the north; vacant properties and the Turkey Hill convenience store to the west; and fully developed commercial uses and a fueling station to the south. Vacant property to the east zoned Agricultural is owned by the applicant with the Tyson hatchery to the northeast. Route 230 is a major collector between Mount Joy and Elizabethtown. The site generally drains from the north to the south with a slight drainage divide near the center of the site. It is served by public water in Cloverleaf Road and sanitary sewer cuts across the southwest corner of the site.

He referenced sheet 1 of Exhibit A-4, which was prepared under Mr. Smeigh's direction. The plan proposes a shopping center with a group of buildings to the north and multiple buildings along Route 230 that are separated by a parking lot. A Wawa convenience store with fuel pumps is under lease for the southwestern corner of the site; an Aldi grocery store under lease will be located on the far west end of the northern set of buildings.

The applicant has committed to extending Norlanco Drive through their site to a full-access intersection with Route 230 equipped with a traffic signal when the traffic numbers support it. An entrance from Norlanco Drive to the rear of the northern bank of stores will provide delivery access to those buildings. Both a right-in and a right-in/right-out driveway are proposed to intersect Cloverleaf Road, while a right-in entrance is proposed from Route 230. Mr. Hershey followed up on the comment pertaining to the timing of the traffic signal installation. Mr. Smeigh clarified that the proposed signal at Route 230/Norlanco Drive will be activated once the intersection meets warrants per PennDOT

standards. Attorney Lewis added that the applicant has included in the proposed conditions an obligation to pay for the installation of this traffic signal. Additionally, their traffic study identifies this as a required improvement based on projected traffic counts from the shopping center.

They acknowledged receipt of the Township's technical review letters and noted having a follow-up meeting to discuss the comments. Several minor items of compliance with the Zoning Ordinance can be addressed with minor revisions to the plan. The zoning compliance chart on the plan indicates that the project otherwise complies with the C-2 District and other bulk requirements. Although they have not been designed, the general locations of stormwater management facilities are inferred by open areas on the plan.

Attorney Lewis and Mr. Smeigh called attention to the stipulated conditions as set forth in a settlement agreement with the Township as submitted in Exhibit A-14. Then they reviewed the criteria for the special exception requests and spoke to how the applicant is addressing them, beginning with Section 135-268 for a vehicular fueling station:

- The site is greater than ½ acre.
- Public water and sewer will be provided.
- The minimum lot width will exceed 125' at the building setback line in addition to the project complying with all applicable setback requirements.
- All activities other than those at the fuel pump will take place indoors.
- Fuel pumps and canopies will be set back at least 20' from the building setback line.
- Vehicle parts, equipment, etc. will be stored indoors, as applicable.
- Junk and refuse will be stored in an enclosed area; the application will comply with vehicle tire storage requirements, as applicable.
- No proposals for oil changes or other minor service is proposed by this application, however, the applicant acknowledged that compliance with this standard is required in case the operator changes in the future. An appropriate condition is acceptable to the applicant.
- The applicant is acceptant of a condition addressing the prohibition on the long-term storage of vehicles undergoing repairs.
- The applicant is acceptant of a condition addressing the prohibition of junked, abandoned, or dismantled vehicles or those without current inspection stickers.
- All applicable permits for underground fuel tanks will be obtained.
- The vehicular fueling station fronts upon a collector or arterial road.

The criteria for a shopping center in excess of 10,000 sf. as found in Section 135-256 were reviewed. These criteria apply since the proposed development proposes three or more uses and exceeds 10,000 sf. Mr. Smeigh stated as a professional opinion that the application demonstrates compliance with Section 135-256 as presented. Several areas were specifically addressed:

- 135-256.A(7) – Drive-through facilities meet the standards set forth in Section 135-255. Mr. Newton asked whether the drive-throughs will be front facing. They will not. Will adequate stacking lanes be provided? Yes. If anything, long lines can queue into the frontage lots internal to the site, not externally onto public roadways.
- 135-256.A – Other general standards contained in this subsection will be complied with, such as lot size, building coverage, individual uses within the shopping center, etc.
- 135-256.B – Buffers, landscaping, and stormwater management areas will comply with these standards via the detailed landscaping plan. A comment was received from the Township's technical reviews and the plans will be modified as necessary to be in full compliance.
- 135-256.D – Building design and architectural standards are graphically addressed in the applicable exhibits. The applicant agrees the constructed buildings will be consistent with those architectural elements unless otherwise modified by the Zoning Officer.
- 135-256.E – Optional design incentives for shopping centers such as including streetscapes and pedestrian accommodations are being sought in accordance with this subsection.

Mr. Smeigh reiterated the applicant's position that the application complies with all applicable standards found in Section 135-256, although subsection .C pertaining to traffic was withheld for another witness to address. The following questions were then raised by the Board:

- Are home improvement sales a proposed use in the shopping center? No. However, Attorney Lewis stated the applicant will agree to a condition that compliance with the standards of Section 135-233 will be demonstrated with the Zoning Officer. Tenants for most of the spaces are currently unknown.
- How will stormwater be managed? The site naturally drains from the north towards Route 230 at two different drainage pipes under the road. Cross pipes are situated near the southwest and southeast corners of the site, leading under the Amtrak rail line and continuing further south through Faith Bible Church into Rheems. Stormwater volume must be managed as well as rate, which is a newer component of stormwater management regulations. A lot of work has been done to analyze the site's characteristics but a final design for the stormwater management facilities is not complete. About 4 or 5 facilities will be constructed to handle runoff from various areas without transferring water from one drainage area to another.
- The water service agreement is 21 years old. Will this be updated? Bob Sichelstiel of Pennmark Management Company stated that the water and sewer EDUs were purchased at the time those agreements were signed. The applicant will work with the Authorities to finalize and gain approval of the utility design.
- At a prior hearing there was testimony there would not be an urgent care facility, but it is still on the plan as submitted with this application. Mr. Sichelstiel spoke for the record that there is no plan for an on-site urgent care.
- Mr. Hitz called attention to the inconsistencies in the total floor area and number of structures in the hearing application supplement when compared to the plans. Attorney Lewis noted the difference between the number of tenant spaces and number of buildings. He also acknowledged his error in the building square footage as stated in the supplement, deferring to what was submitted on the plans as the controlling document.
- There is documentation from the South Central Transit Authority supporting the placement of a bus stop and shelter. Is this specified on the plans? A bus stop is located along Route 230 near the Norlanco Drive intersection.
- Mr. Hitz asked for more clarification on the proposed pedestrian facilities and other frontage improvements as noted in the Township's reviews. Attorney Lewis noted the applicant's meeting with Township staff prior to the hearing to discuss. The applicant agrees to provide pedestrian accommodations in compliance with applicable standards. They have the option to construct a 10' wide macadam trail or a concrete sidewalk. There is adequate room along the Route 230 frontage and will design the facility as part of the land development plan.
- Mr. Hitz suggested the applicant target native plantings for the landscaping plans, recommending a consultation with the Lancaster Conservancy.
- Attorney Lewis confirmed with the Board that the stipulated conditions have been entered as Exhibit A-14. Mr. Hitz noted blanks on page 4 and page 5 that will reflect the date of the zoning hearing and the architectural elevations exhibit number.
- Mr. Hitz asked if the applicant's July 24, 2024 response letter to Attorney Cleary sufficiently addressed her concerns in a prior letter. It does. Attorney Cleary clarified that the Township will defer to the Zoning Hearing Board regarding any additional conditions beyond those in Exhibit A-14.
- Mr. Hershey asked Mr. Smeigh whether the Norlanco Drive extension is contained within the subject property boundaries, as it appears to cross onto the Agriculturally-zoned land near Route 230. He noted that it does leave the shopping center site as it intersects Route 230. Attorney Cleary stated the Township's position that the shopping center is not permitted in the Agricultural District. However, a street to be dedicated to the Township is permitted in any district, especially one shown on the Official Map. This would not be permitted if it was used solely to access the shopping center and not connect through.
- Mr. Hitz asked whether the applicant received the Township Engineer's review letter dated July 15, 2024. They did and confirmed they will comply with the 16 zoning comments. Attorney Lewis also noted a subsequent meeting with Township staff to discuss those and other comments. The landscaping plan contains red markups from the Township Engineer that relate to the review letter that it accompanies.

Mr. Smeigh's testimony concluded. Ms. Bucher took the opportunity to question the witness. She asked if a map was available showing how storm drainage will be handled from the development. Attorney Lewis stated that certain design elements like stormwater management have not been finalized but will be addressed in the land development stage. The plan exhibit contains several spaces that will likely be used for stormwater management to comply with the standards of the Township's Stormwater Management Ordinance and other applicable state regulations.

Ms. Bucher also asked if the Wawa will have EV charging stations. There may be. What about hours of operation? That has not been resolved. Attorney Lewis was unsure if the Township has regulations to address hours. She voiced concerns as a small business owner located on Cloverleaf Road with increasing traffic and an already-unsafe condition. She then asked about the types of uses proposed for the shopping center, calling attention to a need for a day care as well as the building labeled as an urgent care that was supposed to be removed from the plan per testimony in a prior zoning hearing for the site. Attorney Lewis stated that the only two signed leases are the Wawa and the grocery store. They will not be able to secure other leases until the applicant gains approval to proceed with the project.

Ms. Hess asked about additional studies for utility usage. Utility providers such as water, sewer, and electric will need to approve the proposed connections to those systems. She commented that the applicant's remaining acreage is not in agriculture, instead it has been left fallow with weeds.

Mr. Brubaker asked if PennDOT needs to approve the project and how long that process takes. A Highway Occupancy Permit (HOP) is required to approve the proposed roadway connections. This process can be lengthy and will be discussed by the applicant's traffic engineer. Has the site's stormwater management plan taken other nearby developments into consideration? It will. Plans from the Westbrooke residential subdivision will specifically be taken into consideration as the plans are developed.

Attorney Lewis introduced Mr. Creasy and reviewed his credentials as an expert in traffic engineering. A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to accept Mr. Creasy as an expert in traffic engineering. All members present voted in favor of the motion.

Mr. Creasy provided an overview of the traffic impact study process. The March 2023 version of the development's transportation impact study was submitted as Exhibit A-15. The scope of the study was discussed previously and acknowledged by PennDOT and the Township. He gave a brief overview of the study process to date. The opening year assumption of 2024 will be updated along with other review comments once the rezoning process is complete. Recommendations made in the approved study will then become conditions of PennDOT's HOP approval. Those recommended improvements are part of the applicant's obligation to mitigate traffic impacts to roadways.

Mr. Creasy then addressed the criteria of Section 135-256.C regarding traffic control, access and study requirements. The application complies with the access and street classification requirements of subsection (1). Submission of the aforementioned traffic impact study complies with subsection (2). He then stated that zoning approvals for the construction of the proposed shopping center will not be detrimental to the public health, safety, and welfare. Safe and efficient ingress and egress to the site will be facilitated by the plan.

Mr. Hitz referred to pages 3-4 of the study's discussion on the proposed intersection improvements. Regarding the Cloverleaf Road/Schwanger Road intersection, who determines what modifications to the traffic signal are appropriate? Shifting the green light cycles to mitigate level of service impacts is reviewed and approved by PennDOT and the Township through the HOP process.

Will there be a turn arrow for eastbound traffic from Route 230 to turn onto Norlanco Drive extended? Mr. Creasy recommends installing the signal when the shopping center is constructed, however, PennDOT officially determines when it can be activated based on traffic from the development. A dedicated left turn lane will be striped where the center turn lane is now. A signalized turn arrow is proposed for this movement. The through movement from Norlanco Drive across from the future Store-It site will go into either the left or right turn lane approach to Route 230.

Table 4 on page 17 contains sight distance tables. Mr. Creasy explained the sight distance criteria, including desirable and minimum distances. The proposal must meet the "minimum" distances, while the "desirable" distances should be achieved where possible to give additional time for motorists to negotiate turning movements. The proposal meets all the minimum distances for intersections.

Mr. Hershey asked about the right-in driveway from Cloverleaf Road, specifically the relationship between the associated turn lane and the southbound left turn lane. The new right turn lane will be shortened and does not have any conflicting movements with the existing southbound lanes. The right-in/right-out driveway at Cloverleaf Road with a right turn lane will not create conflicting movements either. This intersection has been re-evaluated several times since 2021, removing a proposed left turn into the site in the process. PennDOT's traffic study guidelines were produced about a decade ago with minor revisions in the meantime. Those changes have not impacted the approach to this study.

Mr. Hershey asked why the trip generation calculations are based on a 127,000-sf. retail center. The plan has changed over time to propose a smaller building footprint, which does not warrant reducing the traffic study assumptions since the larger figure produces a more conservative estimate of impacts.

Mr. Clark asked about the proposed bus stop location and its proximity to the Norlanco Drive intersection with Route 230. Mr. Creasy noted how transit operators prefer stops to be located after an intersection rather than before it, which is what the plan shows. However, the transit authority will specify the exact location and other standards in the land development process.

Mr. Newton asked for clarification on the proposed access points in and out of the site. Mr. Creasy provided an overview of routing to and from the Route 283/Cloverleaf Road interchange. He reiterated there will be no left turns from Cloverleaf Road directly into the site. Routing to/from Elizabethtown as well as Mount Joy was also detailed. Mr. Newton specifically asked if Mr. Creasy had any concerns with the right-in access point to Wawa near the Cloverleaf Road/Route 230 intersection. He called attention to two right in-points on Cloverleaf Road and one right-in point on Route 230. This arrangement needs approval from PennDOT and the Township.

Trip generation on page 18 of Exhibit A-15 is split into the retail component and the convenience store component. The ITE Trip Generation Manual specifies the formulas for the associated land use codes, including the 40,000 - 150,000-sf. retail center category used for this study. He discussed the pass-by component for each land use type that assigns a trip quantity that would already be passing by the site. Pass-by trips comprise a larger proportion of the total trip generation of the convenience store compared to the shopping center.

Mr. Creasy clarified how challenging the existing level of service deficiencies at the Route 230/Groff Avenue intersection are and how they will be discussed in the PennDOT process. He addressed Mr. Newton's question about not improving the Merts Drive/Cloverleaf Road intersection due to limited impacts from the project. The Route 283 interchange deficiencies are beyond the scope of this project, specifically the eastbound offramp. The westbound offramp is regulated by a traffic signal that will not be modified. Attorney Lewis clarified with Mr. Creasy that the study does not attempt to fix existing issues, rather it is designed to address impacts from the proposed shopping center.

Attorney Cleary requested the applicant to clarify who is responsible for any required traffic signal modifications. Mr. Creasy stated that the applicant is responsible for both design and construction of the improvements in the approved traffic study.

Ms. Bucher asked for the ITE land use codes used in the study. The retail center use is #821, convenience store is #945.

Mr. Brubaker asked for the proportion of traffic coming from each direction. A detailed gravity model is used to determine trip routing from various population centers and will be reviewed as part of the traffic study. The proposed signal at the Norlanco Drive/Route 230 intersection will be coordinated with the nearby signals' programs.

Nate McCulloch, resident of 100 Woodland Avenue, apologized for being late to the hearing and requested party status. Attorney Lewis objected on the basis of his residence being located approximately 1.5 miles from the site. He was not opposed to Mr. McCulloch asking a question. Mr. McCulloch is an advocate of non-vehicular transportation and a member of the Lancaster County Active Transportation Advisory Committee. A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to deny party status to Mr. McCulloch based on his residence's distance from the site and lack of immediate impact.

Attorney Lewis admitted into evidence Exhibits A-1 through A-20. A-20 is not in the applicant's binder of exhibits but is recognized as the Township Engineer's review of the application.

Ms. Bucher presented Nate McCulloch as a witness in civil engineering. Attorney Lewis asked for his credentials then objected to his admission as an expert witness. Mr. McCulloch is a licensed professional transportation/civil engineer with Wilson Consulting Group. He leads a group that designs trail and sidewalk networks throughout the state. A discussion took place about the interconnection between vehicular and non-vehicular trips, as well as the value of trailways for a residential community. After debate about the validity of his expertise pertaining to this application, Ms. Bucher withdrew her request to admit Mr. McCulloch as an expert witness.

No other evidence or testimony was presented by the accepted parties, including Mount Joy Township. Attorney Lewis declined to make a concluding statement as it would be duplicative of his opening remarks. He reminded the Board that his client is requesting special exception approval, not variance approval. Attorney Cleary stated the Township's

position is neither supporting nor opposing the application if the agreed-upon conditions are proposed. By no means is this statement intended to limit the Board's power to impose additional conditions. The Township holds the Norlanco Drive extension as a crucial element to alleviate the existing traffic congestion at the corner of Cloverleaf Road and Route 230.

The public comment period commenced. Gary Luft from Mount Pleasant Road expressed concern with part of the center turn lane on Route 230 being eliminated for the new left turn lane onto Norlanco Road. Also, Andrew Avenue already backs up from Cloverleaf Road traffic. Why was the traffic study scope not expanded further?

Nate McCulloch from 100 Woodland Avenue noted that additional turning movements from Route 230 will make bicycle traffic more dangerous. Non-vehicular facilities and connections should be accommodated. He noted safety concerns with the existing Ridge Run Road/Route 230 intersection.

Carol Hess from 210 Ridge Run Road was upset to see Pennmark's remaining agricultural lands be left fallow and full of weeds. She would like a condition to address this issue.

Jay Brubaker from 382 Ridge Run Road agreed that Pennmark's acreage should be property maintained instead of left to grow weeds.

Debra Deis wished to see the development offer something to the community like a park or other amenity.

Bob Lightner of 1265 Andrew Avenue was supportive of the proposed traffic improvements and providing more commercial development to accompany the residential growth.

Rudy Wolgemuth of 1860 Grandview Road, former farmer of the subject property, was also disappointed to see the land grow up in weeds despite his respect of the landowner's right to develop it. He expressed concerns with additional congestion on Cloverleaf Road.

A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to end testimony and close the hearing. All members present voted in favor of the motion. Mr. Hitz noted that the Board will not render a decision on the application at this meeting but intends to do so within the allotted 45-day window. The regularly scheduled September 4, 2024 meeting is within that timeframe. Attorney Lewis will prepare Findings of Fact and Conclusions of Law then forward them to Attorney Henry.

7. Next regularly scheduled hearing will be held Wednesday, August 7, 2024, beginning at 6:00 p.m.
8. A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to adjourn the meeting at 9:07 p.m. All members present voted in favor of the motion.

Respectfully Submitted,



Justin S. Evans, AICP
Zoning Officer

For: Robert F. Newton, Jr., Secretary
Mount Joy Township Zoning Hearing Board