

ADMINISTRATIVE RECORD OF HEARING
NEW HOLLAND BOROUGH ZONING HEARING BOARD
February 26, 2018

The New Holland Borough Zoning Hearing Board met on Monday, February 26, 2018 at 7 p.m. in Borough Hall. All members were present: Chairman W. Fred Brownlee, Vice-Chairman Charlene B. Richardson and John M. Taylor. Also present were Borough Zoning Officer J. Richard Fulcher, Board Solicitor Robert Sisko of Morgan, Hallgren, Crosswell & Kane, Stenographer Diana Netherton and representing the Applicant, Garden Spot Fire Rescue, Board President Tim Sprecher and Chief Darryl Keiser of Garden Spot Fire Rescue; Larry R. Martin owner of 501 East Main Street, Steve Loewen owner of 331 East Main Street and two students from Garden Spot High School, Nathan Smucker and Austin Weaver.

Chairman Brownlee opened the administrative portion of the meeting, calling for the election of Chairman and Vice-Chairman for 2018.

Fred Brownlee nominated Charlene Richardson for Chairman for 2018. John Taylor seconded the nomination. There being no further nominations, Charlene Richardson was elected Chairman.

Fred Brownlee nominated John Taylor for Vice-Chairman for 2018. Charlene Richardson seconded the nomination. There being no further nominations, John Taylor was elected Vice-Chairman.

John Taylor made the motion that the Administrative Record of Hearing of the Zoning Hearing Board of September 25, 2017, be approved as distributed. This was seconded by Fred Brownlee and passed.

Chairman Richardson opened the Case Hearing. She then briefly reviewed the purpose and procedures of the Board; announcing that there is one case to be heard this evening, Case #462-2-18. This is a request for a Variance from Garden Spot Fire Rescue to temporarily allow the parking and use of two metal storage containers, one to be located at the main station of Garden Spot Fire Rescue, 339 East Main Street, the other requested to be placed temporarily at 501 East Main Street, a privately owned commercial property.

Chairman Richardson next swore-in/affirmed for Hearing testimony, Zoning Officer J. Richard Fulcher and requested that he swear-in/affirm any interested parties in providing testimony. On the behalf of Garden Spot Fire Rescue, Tim

Sprecher, President of the Board and Larry R. Martin owner of 501 East Main Street were sworn-in/affirmed. Zoning Officer Fulcher testified that Garden Spot Fire Rescue recently placed two old non-permanent metal storage containers at properties within the Borough. Upon being informed that placement of such temporary containers is not an allowed use in the Borough without obtaining a Variance for a temporary period from the Zoning Hearing Board for such activity on a property, Garden Spot Fire Rescue elected to proceed with the process for requesting a Variance for such temporary placement of these non-conforming structures. Various ordinance violation sections include as outlined in Section 201 of the Borough ordinances and sections 601.E.b and 916 of the Zoning Ordinance; and the hearing process Sections 1607.1 and 1607.2 of the Zoning Ordinance. The containers are requested to be temporarily parked and used, one at 339 East Main Street, in the C-1 District and the second at 501 East Main Street which is in the C-2 District. The Hearing was properly advertised and posted and the adjoining neighbors of both properties were mailed courtesy Notices of the Hearing.

Tim Sprecher, representing Garden Spot Fire Rescue then presented testimony before the Board. He reviewed the formal letter of informational facts dated February 12, 2018 provided to the Zoning Hearing Board. This contained 12 statements of fact related to the Board's review of the request, as well as two Attachments (A & B) which were color pictures of the two containers involved with the request. The letter was accepted as Exhibit A of the Hearing. The smaller of the two trailers, the 20'x8'x8' is requested to be temporarily located to the rear or north side of the Fire Company's Main Station at 339 East Main Street. The larger of the two containers a 40'x8'x8', is requested to be placed at 501 East Main Street a private commercial location which has plans to remove a former restaurant structure on the property to allow expansion of the main business building over the next year. The property is owned by Larry R. Martin, who is present this evening. He hopes to use the temporary container for storage of items from the building being demolished until they can be placed into the expanded main structure.

Board member John Taylor noted that the letter from President Sprecher indicates this situation was not created by the Fire Company.

President Sprecher stated that due to a spill last year and the concern of the Borough Authority and Borough about particular contaminations so near a public wellhead the lease with the Borough Authority for the former fire training location was canceled and the Company removed what it wanted including the two containers, which held materials which were used to replace things which were destroyed or broken during a practice exercise.

In response to an inquiry from Board member Brownlee, President Sprecher stated that the Fire Company is hopeful to identify a property in the region to place a new local fire practice structure. The current training night is Tuesday, for about one and one-half hours; to run into the county's Training Center for such practice would take up most of that time. They have informed the members of the Inter-Municipal Funding Committee which reviews Company funding requests that they hope to be able to replace this locally.

Larry R. Martin, owner of New Design Properties, LLC, located at 501 East Main Street then testified that he provided his letter dated February 12, 2018 to the Zoning Hearing Board to formally outline his plans for building expansion which involves the demolition and removal of the structure on the property which formerly held the Pub Restaurant. This project should be completed within a year. He felt he could temporarily assist the Fire Company by the use of one of the two trailers during this period. His expansion should be completed this year.

Chairman Richardson accepted Mr. Martin's letter as Case Exhibit B. She thanked President Sprecher and Mr. Martin for their testimony. No one else requested to provide testimony. Chairman Richardson closed the Testimony portion of the Hearing. The members then recessed at 7:35 p.m. to consult with Counsel and review zoning law considerations. The Board then reconvened at 7:45 p.m.

Decision:

John Taylor made the motion that the request of Garden Spot Fire Rescue for a Variance to allow the temporary parking and storage use of two metal containers owned by GSFR, one a 20'x8'x8' to be temporarily located on the rear/north side of 339 East Main Street, the second, a 40'x8'x8', to be located and utilized on the rear/north side of 501 East Main Street, be granted for a one year period from the date of the Hearing, based on the information and testimony provided and according to the letter to the Zoning Hearing Board from GSFR President Tim Sprecher dated February 12, 2018, be granted. This was seconded by Fred Brownlee and passed. The temporary Variance was granted.

The Hearing adjourned at 7:48 p.m.

April 22, 2019
Date Approved