

**MINUTES OF THE HANOVER BOROUGH
ZONING HEARING BOARD MEETING
July 19, 2021**

The meeting of the Hanover Borough Zoning Hearing Board convened at 6:00 PM Monday Evening, July 19, 2021 in the Guthrie Memorial Library - Lower Level - Bare Center, 2 Library Place, Hanover, Pennsylvania, as advertised.

Attendance: In attendance were Zoning Hearing Board Members Gary Bond, Merle Feder and James Zartman; Solicitor John Senft; Staff Members Secretary Dorothy Felix and Zoning Officer P. Eric Mains, P.E.; and Stenographer Deb Zepp.

Approval of the minutes: It was moved by Mr. Bond, seconded by Ms. Feder to approve the minutes of the Zoning Hearing Board Meeting held May 17, 2021. Motion carried.

Solicitor Senft invited all citizens present to stand and be sworn if they plan to speak this evening. Chairman Zartman administered the Oath of office to those present.

10 Stock Street - Proposed Special Exception for Accessory Dwelling Unit (ADU) Land Use

Secretary Felix read the following Statement of the Secretary:

"A Special Exception application was submitted on June 9, 2021 by Mr. Ray S. Hoover and Mr. Stephen B. McGill for the property located at 10 Stock Street (parcel no. 67-000-17-0137), Hanover, PA. The applicant is proposing to provide for an Accessory Dwelling Unit (ADU) land use at the subject parcel, per Article IV Section 140-400 of the Hanover Borough Zoning Ordinance. The property is located in the R-3 Residential Zoning District.

A public hearing was scheduled for Monday, July 19, 2021 at 6:00 PM and was properly advertised on July 4th and July 11th, 2021.

Property owners within 200 feet of the subject property have also received notification by mail forwarded from this office on July 7, 2021. Proper posting of the property giving notification of hearing has been certified.

*Dorothy C. Felix,
Secretary, Zoning Hearing Board."*

Mr. Ray Hoover, applicant, was present to provide testimony.

The property was purchased in December of 1993 and at that time the owners were under the impression the property was in a multi-unit district. The total square footage is 4,400 square feet. He noted it was very easy to make a full apartment on the second floor; he went through all proper permitting with the Borough for the construction at that time, including the outside access. Four months ago the appraiser asked the Borough to determine the zoning and the owners were then told the property was out of compliance with the ordinance. That is the reason they are here before the Board this evening.

Mr. Hoover testified that the apartment is 650 square feet, is self-contained, with a living and sleeping area, and has separate access to the outside.

Solicitor Senft noted the accessory dwelling is permitted under a special exception.

When questioned by Solicitor Senft, Mr. Hoover noted the use is consistent with the Comprehensive Plan; there is no added traffic; does not present a public safety hazard; does not create noise, odor, dust, vibration or light problems; and he feels the site design is harmonious with the neighborhood.

There were no citizens present to comment on the application.

It was moved by Ms. Feder, seconded by Mr. Bond to approve the Special Exception application submitted on June 9, 2021 by Mr. Ray S. Hoover and Mr. Stephen B. McGill for the property located at 10 Stock Street Hanover, PA, for an existing accessory dwelling unit (ADU) land use per Article IV Section 140-400 of the Hanover Borough Zoning Ordinance; said property is located in the R-3 Residential Zoning District. Motion carried.

200 East Middle Street – Proposed Special Exception for multi-family building/dwelling land use (*adaptive reuse of former church building*)

Secretary Felix read the following Statement of the Secretary:

“A Special Exception application was submitted on June 15, 2021 by Wesley Sensenig, 6999 Cannery Road, Hanover, PA for the property located at 200 East Middle Street (parcel no. 67-000-04-0485), Hanover, PA. The applicant is proposing to provide for a Multi-Family Building/Dwelling land use per Article III Section 140-302.B of the Hanover Borough Zoning Ordinance. The property is located in the R-5 Residential Zoning District.

A public hearing was scheduled for Monday, July 19, 2021 at 6:00 PM and was properly advertised on July 4th and July 11th, 2021.

Property owners within 200 feet of the subject property have also received notification by mail forwarded from this office on July 7, 2021. Proper posting of the property giving notification of hearing has been certified.

*Dorothy C. Felix, Secretary
Zoning Hearing Board"*

Attorney Paul Minnich was present as counsel for the applicant, Wesley Sensenig. He noted the Planning Commission recommended the proposed adaptive reuse of the former church building for multi-dwelling units. Mr. Sensenig intends to preserve the existing building and façade for the proposed residential use. Applicant Mr. Sensenig and Architect Mr. Jeffrey Homan were present to give testimony.

Mr. Sensenig was sworn in by Chairman Zartman.

When questioned by Attorney Minnich, Mr. Sensenig testified to the following:

- Mr. Sensenig has an equitable interest to acquire the property.
- Mr. Sensenig testified that he intends to keep the church's structure and façade the same as it exists today, and the steeple will also remain. He intends to construct sixteen (16) 3 and 4 bedroom apartments in the church/parsonage, and would like to include the stained glass windows for character of the apartments.
- There will actually be two 2-bedroom apartments, and the rest will be 3 and 4 bedroom apartments, for a total of 16.
- Architect Jeffrey Homan prepared the plans and submitted the Special Exception to the Borough. Mr. Sensenig testified that all of the information is correct.

When questioned by Attorney Minnich Mr. Homan testified to the following:

Mr. Homan was retained by Mr. Sensenig for the project.

Mr. Homan is a registered professional Architect, with a Bachelor's Degree in Architecture from Penn State in 1972; he became a registered architect in 1976, and has been self-employed ever since.

He routinely reviews zoning ordinances for compliance.

The zoning of the property changed from R-3 to R-5, with the recent revision of the Borough's zoning ordinance.

The special exception is a permissible under the zoning ordinance in this district.

The criteria for a special exception are met. 32 parking spaces are required, and the current parking exceeds that amount.

Mr. Homan described applicant's Exhibit 1: the building has a full basement and first floor; the parsonage is located on the second floor; there are 2 apartments in the basement; 9 apartments on the first floor; and 5 units on the second floor.

Mr. Sensenig intends to keep the outside facade with as little change as possible.

There are nine 2-bedroom apartments, four 3-bedroom apartments, and three 4-bedroom apartments.

Attorney Minnich reviewed the Criteria for Special Exception with Mr. Homan and he testified to the following:

- The application conforms to Zoning regulations and use regulations; the standards for site improvements and the special exception criteria;
- There is no conflict with any existing laws;
- In general, the application is consistent with the Comprehensive Plan;
- The proposed use falls in line with zoning criteria;
- The proposed use will not cause traffic congestion; contains proper vehicle access with 39 parking spots, only utilizing 32 parking spots;
- The proposed use poses no public safety and no explosive hazards; the building will be sprinklered;
- There is no dust odor, light, vibration, or invasive lighting;
- The site will be oriented and landscaped to be consistent with the environment in the existing neighborhood;
- The footprint or exterior is not intended to be altered;

- There are no proposed additions, and no additional impervious areas;
- Mr. Homan considers the application to be in full compliance;
- Mr. Homan added that he recognizes that it is a beautiful historic building, and every effort will be made to maintain the historic exterior.

Mr. Homan testified to the following when questioned by Solicitor Senft:

- The property across the alley is also owned by applicant.
- There are parking 39 spaces - 28 across alley and 9 adjacent to the building; and the garage has 2 interior spaces.
- Ingress and egress will be off the alley, with no exit onto Locust Street or Middle Street; parking layout will remain the same.

When asked if the alley opens up in both directions to 2 way streets, Mr. Homan replied he is not sure if Locust Street is one way at that point or 2 way, but it does tie 2 streets together.

The parking space dimensions are in compliance - they are 9.3 feet to 9.6 feet in width, with 19 feet depth.

Mr. Homan replied to the following when questioned by Ms. Feder:

- Some of the stained glass windows do raise and lower, and some do not; some will need to be reconfigured to act as a hinged window to meet requirements for exit.
- One or two windows may need to be added to meet egress requirement.
- The parsonage will remain as 4 bedroom house, which is part of the project.

Ms. Feder commented there are approximately 38 total bedrooms.

Mr. Homan stated that although the 2 basement apartments have some grates and special windows they will need to be brought up higher above the sidewalk area to meet compliance issues.

Ms. Feder noted there is only one 1-bedroom apartment, with the rest being 2-bedroom, 3-bedroom and 4-bedroom apartments. Mr. Homan stated the application meets the Borough's requirements.

Mr. Zartman asked if Locust Street is a one way street, and Mr. Homan replied it is a one way Street. Mr. Zartman asked if he were from out of town, and drove by there, would it appear to be a church, and Mr. Homan answered in the affirmative, except for signage.

Mr. Senft asked if there would be dedicated parking to each unit, and Mr. Sensenig replied 2 spaces would be dedicated to each unit, with a restriction of 2 vehicles per unit in the lease.

Mr. Sensenig stated the rental pricing will range anywhere from \$900 to \$1000 for the 2-bedroom units, with the 3-bedroom units ranging between \$1000 to \$1200; and the 4-bedroom units ranging from \$1300 to \$1400 depending on if newly remodeled, first floor, second floor, etc., in reply to Ms. Feder.

The following citizens commented on the application:

Mr. Scott Ruth, 205 ½ East Walnut St: Mr. Ruth drew a diagram on the board showing Locust Street, Middle Street, Walnut Street and Baer Avenue. He described the location of the Church and the alley. Locust Street has only one way parking. He stated he is satisfied with the concept of reuse, but that he was worried there are going to be more people than parking, and brought up the possibility of what may happen if he sells off one of the lots. Will the parking be dumped onto Locust Street?

Ms. Carol Spangler, owns 205 East Middle St: Ms. Spangler stated her concern for the 39 parking spaces, and asked if the parking lot on East Middle Street goes with this property?

Mr. Homan replied that the East Middle Street parking lot is part of the property, but not part of tonight's hearing. All of the parking is behind the church. He is not going to use the East Middle Street lot for this project.

Ms. Spangler stated she heard rumors that the lot on Middle Street may be sold for a condominium use, which will cause further parking problems.

Mr. Chris Grey, 215 East Middle St: - Mr. Grey asked how parking would be accommodated if all possible 76 occupants are licensed drivers? Where are all these people going to park? Will any of the units be subsidized or Section 8 housing?

Mr. Sensenig replied he doesn't plan on Section 8 housing, but would not necessarily deny on that basis, however. Mr. Sensenig prefers not to do the excess paperwork involved with Section 8 housing requirements, but any requests for Section 8 must be approved by the landlord.

Mr. Damien Lacks, 14 Carlisle St: Mr. Lacks noted he is aware of a lot of people moving from the city, a chance to grow and expand, to get away from the riff-raff. If we start allowing Section 8, they will come fast and heavy. They will bring family and friends, and there could be hundreds of people; if riff-raff comes in, Hanover won't be the place that all are accustomed to.

Mr. Robert DuPhily, 318 Carlisle Street - Mr. DuPhily has a petition with 427 signatures that disagree with the proposed use. Any use for this property should be used to benefit the community, as it is a historical building. He does not believe that it will not be tampered with, and he believes the inside will be completely destroyed.

Attorney Minnich noted this comment is not relevant. The hearing is not subject to opinions which are considered hearsay. The application meets all zoning criteria.

Mr. DuPhily noted there are many people present who signed the petition. Mr. DuPhily submitted the petition to Zoning Board Secretary Felix for the file.

Mr. Senft asked if the property was currently vacant, and Mr. Sensenig replied it has been vacant for years, and was for sale for many years. This project will be for families.

Mr. Minnich noted in general, that downtown church properties are very difficult to get approved for re-use. They are not easily sold or conveyed to another congregation. Any time there is a new use there are always concerns. At least this proposal allows the exterior to be preserved. The proposal actually exceeds parking criteria of 2 parking spaces per unit. It meets all criteria.

Lori Clark, 541 S. Queen St, Littlestown, PA (former resident of Hanover): People currently living in surrounding areas who may not be able to afford to move are concerned, as property values will decrease, and there is no guarantee that there will be no low income subsidized housing.

Barbara Miller, 14 St. Rene Lane: Ms. Miller is on staff of First United Methodist Church, who currently owns the building. She is the Director of Property Administration. She pointed out that a multiple dwelling cannot be 100% section 8. If a tenant can get a voucher from the state, a landlord can either accept or decline a particular voucher. There is a very big difference between those who live with a voucher and those who are 100% Section 8 housing. Ms. Miller listed the property with a real estate agent and worked

with the 4 buyers - 2 were half-way houses and 2 were apartment buildings. Mr. Sensenig had the highest offer, so his offer was accepted. The vacant church is being sold because the Church had a budget decision to make. It is no longer feasible to keep up the operating costs for this property.

Tony Funk, 232 Locust Street: There is no place to park on Locust Street at 8 or 9 o'clock at night. He anticipates 60 cars there and does not know where they will park.

Solicitor Senft stressed that Mr. Sensenig must put parking restrictions into the lease for no more than 2 cars, if approved.

Mr. Sensenig will have towing signs and agreements with towing companies so cars will be towed if necessary, parking will be designated and reserved. He has no problem with restriction of no more than 2 cars.

Solicitor Senft clarified there are 39 spaces available for 32 required parking spaces.

Ms. Carol Spangler, owns 205 East Middle St: Expressed concern about the extra people who are going to park on Locust Street which is public parking.

Terry Small, owns property on Locust Street: Concerned about overflow parking on Locust Street; his rental will have nowhere to park. Parking is already at a premium.

Dr. Bob Dudley, 55 Christians Drive: works with churches who are growing. He is concerned that the façade will be changed, and will no longer have the look of a church.

Cindy Strawbridge, 210 Peyton Rd, York, PA: Speaks from the perspective of a landlord who owns several properties. She is concerned about the kind of people this property will attract. People abuse parking designations all of the time. Rental applications look great on paper, sometimes you can't anticipate the type of people. How will the Borough of Hanover be better because of this building? She pointed out you should respect the people that live in the neighborhood. Use is contrary to a house of worship.

Linda Stonesifer, 225 Locust Street: Mrs. Stonesifer noted the new tower ladder truck did not have enough clearance to access Locust Street (15 foot cartway) - had to move cars to move the outrigger out. The street is full; many do not park out front, but people do park there that have to. Winter is terrible, puts citizens at an unnecessary risk.

Rachel DuPhily, 534 Lawrence Drive, owner of 315 Carlisle St: Ms. DuPhily is one of the 427 people who signed the petition - people want this to remain a house of worship. Glad it is being sold because of financial impact, but wants it to be used to bring the community back together; wants it to remain a vital part of this community. Drugs are rampant in

Hanover already; the community needs to bind together to bring back the faith. Not apartments just to make a dollar.

Christopher Lockard, 308 Centennial Avenue Ward 5 Councilperson: Mr. Lockard is concerned about high density housing. Hanover is already at 50/50 percentile of rental properties. Once a town gets over 50% rentals, it is not good. He noted another party was interested, with a model similar to the brownstone condominiums, although it would still change the use of the church, possibly that number of condos would be less than the number of apartments in this proposal.

Heath Chesney, 321 Spring Avenue, Ward 1 Councilperson: Most of what the citizens said could be true, but this Board has to abide by the letter of the law. He reminded the citizens this is a court proceeding, valid evidence is needed. If there are going to be more than 2 cars for each apartment; the lease can't control overflow to side streets. Will create blind intersections at alleys with tighter parking along side streets.

Darlene Funk, 232 Locust Street, 5th Ward Council: She listened to money and so-called layout plans for this building. Snow emergencies are so bad, that the possibility of losing a life is very high. This is high-impact on the neighborhood that is already there. She thinks there is a better plan coming. Taking the highest offer is wrong, especially for high impact use. What are the sizes of these apartments?

Joshua Bloom, 175 Primrose Lane: Owns a snow-plowing business - he doesn't know where the extra snow will be placed - this will create a terrible situation. Where are the designated handicapped spots?

Mr. Homan replied that the handicapped spaces are located across the alley.

Attorney Minnich noted that multi-family housing is provided for by special exception in the R-5 district by the ordinance. Some rental projects have no designated parking spaces; this project exceeds the parking requirement. The church is private use, and the church has the right to sell the property at the highest value. Pointed out that half way houses and group homes are also permissible uses. The Planning Commission made recommendation of approval, he asks the Zoning Hearing Board to do the same, as it follows the ordinance as it is written.

Rosanna Bloom, 439 Rocky Ridge Rd, Spring Grove: Ms. Bloom stated it always looks good on paper when you have a good budget. Families with children will have more than 2 cars. She added that everybody deserves a second chance, referencing the half-way house uses.

Ms. Carol Spangler, owns 205 East Middle St: Suggested the Borough buy the corner of East Middle Street and Locust Street to provide more public parking. The Borough allows cars to park at Baer Avenue during snow emergencies, but still not enough parking.

It was moved by Ms. Feder, seconded by Mr. Bond to deny under the requirements for a special exception under "*Section 140-905. Special Exception Procedure. Section D. Criteria for Approval. Item (e) Neighborhood. It will not significantly impact the surrounding neighborhood with detrimental noise, dust, odor, vibration, light, hours of operation, or other disturbance or interruption.*" Ms. Feder stated she feels it could also have the potential to adversely affect police, fire protection and emergency services. Motion carried.

HANOVER ZONING HEARING BOARD

IN RE:

WESLEY SENSENIG

SPECIAL EXCEPTION

FINDINGS OF FACT

- 1.) Applicant is Wesley Sensenig.
- 2.) The property in question is located at 200 East Middle Street and is situated in an R-5 Zoning District.
- 3.) The application requests a special exception under Article III, Section 140-302.B of the Hanover Borough Zoning Ordinance ("the Ordinance") to convert the property from a Church and a residence into 16 apartment units.
- 4.) Article III, Section 140-302.B of the Ordinance provides that a Multi-Family Building Dwelling is permitted in an R-5 District only by Special Exception.
- 5.) A hearing was held on the application on July 19, 2021.
- 6.) Applicant testified on his own behalf. He testified that he has an equitable interest to purchase the property and that he intends to rent the apartments to members of the community. He indicated that his Leases would have dedicated parking with two parking spaces per dwelling unit.
- 7.) Applicant also presented the testimony of architect Jeff Homan. Mr. Homan presented exhibits to the Board, including a site plan and a floor plan. Mr. Homan testified that the proposed use would include three apartments with

- four bedrooms; four apartments with three bedrooms; and nine apartments with two bedrooms.
- 8.) The site plan proposed 39 parking spaces, 28 of which are across the alley at the rear of the property. Article V, Section 140-511.C.1 requires two spaces per dwelling unit. No formal traffic analysis was presented by the applicant. Mr. Homan testified that ingress and egress would be to the parking areas would be off the rear alley, which leads to Locust Street.
- 9.) Numerous residents came to the hearing to express their opposition to the application. They generally expressed concerns as follows:
- (a) the number of proposed bedrooms (42) makes it likely that a large portion of the dwelling units would have more than two cars;
 - (b) 39 parking spaces would be insufficient to accommodate the number of cars likely to be associated with the apartments;
 - (c) a lack of sufficient off-street parking would result in overflow parking on Locust Street;
 - (d) Locust Street is already over-crowded in terms of parking, and it is presently difficult to provide snow emergency and removal services or to bring a fire truck through the cartway;
 - (e) crowding on Locust Street would exacerbate the difficulties in providing police, fire protection, emergency services and snow removal; and
 - (f) an increase in cars would create blind intersections at the alley along Locust Street, increasing the likelihood of accidents.

CONCLUSIONS OF LAW

- 1.) Article IX, Section 140-135, Special Exception Procedure, Paragraph D establishes the following criteria for the review of Special Exception applications:
- D. *Criteria for Approval. To approve a Special Exception, the Zoning Hearing Board shall find the proposal meets all of the following criteria:*

1. *The proposal conforms to all of the applicable Zoning District regulations and Specific Use regulations.*
 2. *The proposal conforms to all the applicable standards for site improvements and performance, and other regulations of this Chapter.*
 3. *The proposal also conforms to the following Special Exception criteria:*
 - a. *Other Laws. It shall not be in conflict with other Borough ordinances or state or federal laws or regulations that the Zoning Hearing Board has clear knowledge of.*
 - b. *Comprehensive Plan. It shall be generally consistent with the adopted Comprehensive Plan.*
 - c. *Traffic. It shall not result in or significantly add to a serious traffic hazard or serious traffic congestion, and shall organize vehicular access and parking to minimize traffic congestion in the vicinity of the proposed Special Exception.*
 - d. *Safety. It shall not create a significant public safety hazard, including fires, toxic or explosive hazards.*
 - e. *Neighborhood. It will not significantly impact the surrounding neighborhood with detrimental noise, dust, odor, vibration, light, hours of operation, or other disturbance or interruption.*
 - f. *Design. It will involve adequate site design methods and shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties and be consistent with the environment of the neighborhood.*
- 2.) Applicant has failed to carry his burden of proof for a special exception. The evidence presented at the hearing has led the Board to conclude that the proposed use is likely to cause excessive overflow parking along Locust Street. The Board does not believe that 39 parking spaces is adequate to provide

sufficient parking for the 16 apartments with a total of 42 bedrooms. The Board recognizes the likelihood that there will be more than two vehicles per dwelling unit. In addition, the tenants would likely have visitors and guests, further exacerbating the already overcrowded parking situation on Locust Street.

- 3.) The neighbors' concerns led the Board to conclude that the proposed use would make it more difficult to provide police, fire, and emergency services, while exacerbating traffic and parking congestion, and causing safety issues related to ingress and egress from the property.

DECISION

For the reasons set forth above, the Hanover Borough Zoning Hearing Board, by a vote of 3-0, denies the request of Wesley Sensenig for a special exception to convert the property located at 200 East Middle Street, Hanover, Pennsylvania, which property is located in an R-5 Residential District, into 16 apartment units.

ATTEST:

ZONING HEARING BOARD

/s/ Dorothy C. Felix
ZONING BOARD SECRETARY

/s/ James Zartman
JAMES ZARTMAN, CHAIRMAN

/s/ Gary Bond
GARY BOND

/s/ Merle Feder
MERLE FEDER

118-120 Frederick Street – Proposed Special Exception for modification of minimum parking requirements (for future redevelopment of building/property)

Secretary Felix read the following Statement of the Secretary:

“A Special Exception application was submitted on June 16, 2021 by Aiello’s Rentals, LLC, 102 Sutton Road, Abbottstown, PA for the property located at 118-120 Frederick Street (parcel no. 67-000-07-0063), Hanover, PA. The applicant is seeking a modification of the minimum parking requirements per Article V Section 140-511.C.2.a of the Hanover Borough Zoning Ordinance. The property is located in the (D) Downtown Zoning District.”

A public hearing was scheduled for Monday, July 19, 2021 at 6:00 PM and was properly advertised on July 4th and July 11th, 2021.

Property owners within 200 feet of the subject property have also received notification by mail forwarded from this office on July 7, 2021. Proper posting of the property giving notification of hearing has been certified.

*Signed Dorothy C. Felix, Secretary
Zoning Hearing Board"*

Mr. Eric Johnston, P.E. and applicant Justin Aiello were present to give testimony. Mr. Johnston was sworn in by Chairman Zartman.

Mr. Aiello stated he is the current property owner, and is proposing to redevelop and repurpose the building at 118-120 Frederick Street. The brick facade at 118 Frederick Street will remain in its present condition, but he will be redoing the façade at 120 Frederick Street and possibly adding a third floor to keep it similar to the current area.

The 1st Floor has 5,000 SF for the proposed office use.

Mr. Aiello is a property developer, and familiar with title insurance work, mortgage work and real estate transactions, so this would be a possible use for the office space.

16 apartments with 1 bedroom are proposed on the second floor.

The Downtown District allows for a 70 foot high building. Exhibit A is the application. Exhibit B is the site plan that shows building and existing 27 parking spaces that are in the rear lot. Mr. Aiello is seeking parking relief by special exception; a permitted use in the downtown district. 32 spaces are needed since 2 spaces are required per apartment. The first floor is light office use.

Mr. Aiello presented Exhibits C & D, and would like to put those on the record; they are a response to the July 8th meeting of the Planning Commission for their recommendation for a memorandum of understanding for shared parking with the First United Methodist Church for the 2 existing parking lots along Second Avenue, shown on Exhibit A.

Mr. Johnston testified that there are 49 parking spaces required but 140-511.C.2.b specifies 35 total parking spaces would be needed. 27 are provided at the current site. A memorandum of understanding is presented to obtain parking for an additional 10 spaces allocated for use at First United Methodist Church. When church services are in

session, tenants could use existing parking at 118-120 Frederick St normally used on weekdays by the office use, which would be closed at that time.

Mr. Johnston stated the application is consistent with the Borough zoning ordinance, the Comprehensive Plan, and meets lot requirements and building height standards. There are 55 feet of lot frontage; and the 12,650 SF lot exceeds minimum lot area. The height can be 75 feet – but they are proposing less than 45 feet, even if a 3rd floor is completed. The application meets all Article III general regulations outlined for multi-family use.

The proposal will not detract from uses of other properties in the neighborhood; and will be an aesthetically attractive building. The lot is currently paved lot line to lot line; no fencing is proposed. The proposed use promotes preservation of historical structures and enhancements to make the building adaptive to the neighborhood.

There will be no loading spaces necessary for this type of use.

The proposed use will provide safe and adequate access to streets; the site will utilize rear access onto Exchange Place to Centennial Ave.

The proposed use will comply with lighting regulations, and with all signage regulations.

Mr. Aiello, 102 Sutton Road, Abbottstown testified that the apartments on second and third floors are intended to rehab the building with high end luxury one bedroom efficiency apartments.

The first floor will be a real estate - mortgage company office – there will be no more than 5 or 6 employees working there at one time. Much work is now done online, so there will not be excessive parking issues. Overflow parking will be allowed by the church and the elderly members of the church can continue to use the parking lot at 118-120 Frederick Street.

Mr. Bond asked what the dimensions of the parking spaces would be.

The existing parking spaces are 18' x 9' with 19.5 feet of aisle width.

Ms. Feder noted the 8 foot wide spaces are listed as ADA compliant spaces in the corner of drawing - The van accessible space is 8 feet and the adjoining space is 9 feet.

Mr. Zartman asked what the office hours would be. Mr. Aiello replied the office hours would be 8:30AM to 4PM; he noted the dance academy uses the parking area in the evenings.

Mr. Aiello stated he has not been approached by anyone from the dance academy regarding parking; he has owned the property since March 2020.

Zoning Officer Mains stated the drawing shows 12 marked parking spaces? There are some parking spaces that are not striped - if those spaces were striped would they conform to the 9' x 18' dimension? Mr. Johnston replied affirmatively.

Mr. Mains asked why the scaled parking places are 8' x 16' on the plan, and if that was correct? Mr. Johnston stated this is correct, but the reduction would increase the aisle width in that area of the parking lot.

Solicitor Senft asked if 32 of the 35 spaces would be needed for the dedicated parking for the main parking lot. The applicant is asking for 37.

How do you make sure you get 10 people down to the other lot at the church, rather than jamming them into the rear lot?

Mr. Johnston replied that is the reason why they are asking for 1 bedroom apartments.

Solicitor Senft noted they could have 16 designated tenant parking spaces for tenants in the rear lot.

Mr. Aiello noted a more formal agreement will be drafted with the church. The parking at the church could include "customers and employees."

Mr. Mains noted the Planning Commission charged the applicant to find other parking options. The 15 parking stalls along Centennial Avenue are okay; he has more issue with 12 along the inside area, since they are "proposed," yet understands the argument to have more aisle width. The zoning ordinance requires 9' x 18' - which could be required; larger aisle width is being offered from a safety standpoint.

Ms. Feder stated her concern with the 12 spaces along the inside that are 8' wide.

Mr. Johnston stated the parking spaces could be 9' wide by 18' - and asked if 11 spaces would suffice.

Mr. Mains stated although the ordinance does not specify aisle width, it specifies size of the parking space 9' x 18' in size. Section 3c says the aisle width is subject to review of the Borough Engineer, and further noted the width would be easily done, but may not be able to have the full 18 foot length, so there would be a slightly reduced aisle in the middle.

Mr. Mains pointed out that the special exception approval is not for the use, which is already allowable, this application is just for parking.

Ms. Merle asked about weekend guests parking? Mr. Aiello stated he will explore more options with the church, and noted there is also metered street parking for guests along Centennial Avenue.

Chairman Zartman asked for comments from citizens on the application:

Brian Johnson, 28 Centennial Avenue: Prior to the meeting, Mr. Johnson sent detailed comments, asking the Board to deny the special exception. He felt that the parking needed for the apartments and office would not be adequate and that as a result more vehicles would park along Centennial Avenue and Franklin Street, citing the parking lot use by the dance academy and that the proposed third floor would only increase the parking needs in the area.

Mike Hoover, 765 Hershey Heights Rd, Hanover: Mr. Hoover asked how many less spaces if the third floor was not included in the calculation. Mr. Hoover suggested a yearly review of the parking.

Mr. Johnston replied there would be 10 less spaces without the third floor; the marketability is generated by ease of parking. If something is changed with the parking, then it would directly affect the marketability.

Mr. Zartman asked about the allowable height; Mr. Mains confirmed that the proposed height is allowable in this zoning district.

It was moved by Mr. Bond, seconded by Ms. Feder to approve the Special Exception application submitted on June 16, 2021 by Aiello's Rentals, LLC, 102 Sutton Road, Abbottstown, PA for the property located at 118-120 Frederick Street (parcel no. 67-000-07-0063), Hanover, PA, located in the (D) Downtown Zoning District, for a modification of the minimum parking requirements per Article V Section 140-511.C.2.a of the Hanover Borough Zoning Ordinance, with restriction of 9' x 18' size of all parking spaces, an aggregate number of 20 spaces dedicated for the residential use for a total of 27 spaces, with 7 spaces for visitors and customers; and employees of the business to utilize the First United Methodist lot. Motion carried.

1155 Carlisle Street – Proposed Special Exception for Self-Storage Facility, Interior land use at former JC Penney facility, North Hanover Mall

Secretary Felix read the following Statement of the Secretary:

"A Special Exception application was submitted on June 21, 2021 by Josh Sullivan, True Storage, 670 N. Commerce St, Manchester, New Hampshire for the property located at 1155 Carlisle Street (parcel no. 67-000-19-0039), former JC Penney facility, Hanover, PA. The applicant is proposing to provide for an Interior Self-Storage land use per Article III Section 140-303.B and a modification of the minimum parking requirements per Article V Section 140-511.C.2.a of the Hanover Borough Zoning Ordinance. The property is located in the (PD) Planned Development Zoning District.

A public hearing was scheduled for Monday, July 19, 2021 at 6:00 PM and was properly advertised on July 4th and July 11th, 2021.

Property owners within 200 feet of the subject property have also received notification by mail forwarded from this office on July 7, 2021. Proper posting of the property giving notification of hearing has been certified.

*Signed Dorothy C. Felix, Secretary
Zoning Hearing Board"*

Mr. Josh Sullivan – Applicant, True Storage, 670 N. Commercial Street, Manchester, New Hampshire and Mr. Jason Kubiak, ESI, 1158 Dutilh Road, Mars, PA were present to give testimony on the application.

Mr. Kubiak stated the proposed retail indoor storage use plans show proposed parking use and the setback that was addressed by the Planning Commission. 250 parking spaces are available, but the applicant feels they only need 20 spaces. The proposed lot line, frontage and all other requirements are met; they are only asking for use approval, since parking is more than adequate.

Josh Sullivan, True Storage testified that for the future they were asked to provide the additional parking spaces, but this use would not require it. The parking issue was addressed with the seller. This Special Exception should be just for this applicant, and they request a condition on this approval that it would not be conveyed to future owners, as the mall owner does not want to depreciate their asset in this regard. Mr. Sullivan summarized the background of True Storage, with 31 facilities nationally; the company is based out of New Hampshire. The

applicant provided 3 examples of other facilities with indoor storage facilities they have completed to the Board.

Mr. Sullivan pointed it takes a lot of funds to maintain a large facility. It is the last large anchor spot that needs to be filled in the mall. True Storage will invest \$7 to \$8 million to give the facility a complete facelift and maintain the large parking area, snow removal, landscaping, etc. There are requirements from the mall for lighting expenses that need

to be consumed by the businesses occupying the spaces. True Storage intends to maintain a very high quality facility. There will be no exterior load up doors; everything is contained, and climate controlled with complete secure access, and a place to purchase packing facilities, etc. Everything is secured by personalized key fob. It is anticipated that 85% of customers that utilize the facility will be located within 3 miles, and 40% of users tend to be small businesses who need climate control facilities.

Solicitor Senft questioned the applicant, and the applicant testified as follows:

- The proposed facility will be operated without violating any state or federal laws.
- The proposed facility will be consistent with Borough's Comprehensive Plan.
- The proposed use will not cause traffic hazards or congestion.
- The proposed use will not cause a public safety hazard or fire hazard.

Solicitor Senft asked about prevention from storing hazardous waste.

Mr. Sullivan intends to work with restrictions that are set in place. He has provided signed legal agreements; the facility will have 24 x 7 security monitoring with a camera at every corner. If anything goes wrong that is not caught by camera, they have record of who checked in and out at what time.

- There will be no noise, odor or dust; no industrial uses.
- The proposed use will be harmonious with the existing neighborhood.

Mr. Bond asked how the entrance to the mall will be accommodated.

The main office or entrance would be on Eichelberger Street side where the parking is, but there would also be access to the interior of the mall from the proposed facility.

The applicant stated they are prepared to expand to the second floor. A freight elevator is already in place.

Chairman Zartman asked how many different size units there will be. The applicant responded they are listed on the plan and there are typically 5 different sizes, from 5' x 5' to 10' by 30' which is the largest.

Mr. Sullivan added that the units will be well lit and sprinklered; there will be no "camp outs," as the cameras will take care of same.

Mr. Mains asked that cross easements for utilities and parking should be a part of conditions, to allow future parking for other mall uses. Utility access would need to be allowed since many utilities cross the properties.

Chairman Zartman asked for comments from citizens.

Citizens:

Chuck Messersmith, 330 Lincolnway West, New Oxford has business at 1080 Carlisle Street: Mr. Messersmith noted there a lot of memories in the mall – if this spot is turned into a storage facility, the mall will be dead; depriving uses to small businesses; the mall won't survive without foot traffic. This use is inappropriate for the mall. There are already 15 storage facilities in a 5 mile radius.

Jill Rohrbaugh 1 South Railroad Street: Ms. Rohrbaugh was present on behalf of Coleman's 1169 Eichelberger Street, Wee Care Best, who received a notice of the hearing. Wee Care Best opened in the fall of 2019 in a good neighborhood – they have no issue with the usage of the self storage facility which fits in well with the current neighborhood.

Scott Cook, 139 Kuhn Drive: Concerned about the ongoing loss of tenants in the mall; the parcel will become an industrial site. The mall has always been retail. Curb appeal will be lost. The current lack of maintenance won't get any better if it becomes an industrial site. Would like to see another retail use occupy the space.

Jeffrey Spielman, 542 Locust Street: Concerned about fire hazards (fire load) for the mall, putting others in danger who occupy the mall. By only having only 1 or 2 people working, that cuts down on taxes. The Borough could collect more tax revenue from another business than a storage unit.

Mike Hoover, Hershey Heights Rd, Hanover: Asked if the applicant has a contractual agreement.

The applicant confirmed they do have an agreement, but cannot discuss the terms. There was no owner representation present this evening.

Crystal, Thomasac, 15 South Pleasant Way, Abbottstown: Ms. Thomasac is concerned that only 2 employees will be working at the facility, which will not generate a lot of jobs in the area. She is a local schoolteacher who is interested in job availability for the community.

Mr. Sullivan stated the proposed use will provide essential storage space support for existing businesses.

Ms. Thomasac asked if the storage facilities are typically filled to the maximum?

Mr. Sullivan replied that they are typically filled, but fluctuation is very prominent. Most of the existing storage businesses are non-climate controlled. Many businesses need climate controlled storage, for tools, electronics, paperwork, etc.

Ms. Thomasac asked what ties the company has to this area.

Mr. Sullivan replied that although it is not their personal community, and they are not from the area, they will do business in a positive way in collaboration with the community.

Steven Tart, 55 Holstein Drive, Hanover: Former UPS driver in Hanover – had many relationships with people. Hard to watch the mall deteriorate. He feels the use approval will put something here but not give anything back to the community, and he asked the Board to reject.

Michael Jones, 427 Ridge Avenue, Hanover: Mr. Jones noted that what most of us need to understand, we should not be concerned with the Zoning Hearing Board, but concerns should be with the mall, to attract retail business. Mr. Jones understands that the Zoning Hearing Board cannot deny just because they are a storage and not retail facility and will not provide jobs. It is not going to happen that another retail use will come along. He does not see how this will adversely impact the area, and it will not create increased traffic. We need to look at this issue realistically.

Solicitor Senft pointed out that the objective of the Zoning Board decision is not to determine whether we want to have a particular use that would be preferable, as that is not up to the Zoning Hearing Board. The Board makes the decision on whether this applicant has met the requirements of the special exception in the ordinance. While we all bemoan the loss of the large anchor stores, please keep in mind we don't have control over this, and the board makes the determination whether the applicant meets the requirements.

Melody Arnold, 39 W Middle St, Hanover: Mr. Messersmith has contributed much to this community, especially with his proposed use for this mall property. Another storage unit is not needed in the community.

It was moved by Ms. Feder, seconded by Mr. Bond to approve the Special Exception submitted by Josh Sullivan, True Storage, 670 N. Commerce St, Manchester, New

Hampshire on June 21, 2021 for the property located at 1155 Carlisle Street (parcel no. 67-000-19-0039), located in the (PD) Planned Development Zoning District, former JC Penney facility, Hanover, PA to provide an Interior Self-Storage land use per Article III Section 140-303.B and a modification of the minimum parking requirements per Article V Section 140-511.C.2.a of the Hanover Borough Zoning Ordinance, with the added conditions to include cross-easements for utilities and parking on the plans. Motion carried.

Mr. Bond commented that as a local business owner, he got his start in the mall, but eventually he was driven out by extremely high rent of \$145,000. He has no idea how the new mall owners operate, but obviously they are not attracting new retail businesses. Although Mr. Bond stated he supports the small business and retail uses to come to the mall, and he would like it to be different, the Zoning Board must base their decision on what is in front of the Board, as it is their obligation to do so under the zoning ordinance.

Zoning Officer Mains noted the Planning Commission will be informed of zoning matters in the future, and zoning board members are welcome to attend these meetings and comment. Mr. Mains is available to answer questions as necessary.

Public Comment:

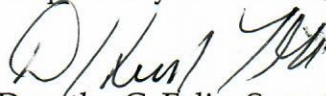
Isaac Riston, 227 Locust Street: - asked for more elaboration on the agenda for citizens to better understand what information would be coming before the Board.

There was discussion on how and where the agenda items should be posted.

Adjournment

It was moved by Mr. Bond, seconded by Ms. Feder to adjourn the meeting at 9:40 PM. Motion carried.

Respectfully submitted,



Dorothy C. Felix, Secretary
Zoning Hearing Board