

Dover Township
Zoning Hearing Board
April 16, 2014

Acting Chairman Donald Bubb called the meeting to order at 7 p.m. Members present: Jeffrey Edmonds, Jane Ginter, Steve Barkdoll, and alternate Robert Wright. Absent with prior notice: Phillip Brown. Also present: Zoning Officer Georgia Sprenkel, Solicitor Mike Craley, Stenographer Karen Brown, Recording Secretary, and seven citizens.

Reorganization

Motion by Edmonds, second by Barkdoll, to keep the same slate of officers for 2014. All members voted aye; motion carried.

I. Minutes

Motion by Ginter, second by Edmonds, to approve the minutes of the meeting of December 18, 2013. All members voted aye; motion carried.

It was noted that the alternate, Robert Wright, will be a voting member for tonight's meeting, in Mr. Brown's absence.

II. Zoning Cases

- A. ZHB 14-1, Lifestyle Foods, 5107 West Canal Road. Request for Special Exception for Agribusiness in the Agricultural Zone

Attorney Robert Schefter was present on behalf of applicant Jason Bross. Raymond Lopez was also present. Four people including one audience member were sworn in. Mr. Schefter presented the case. This property is 126 acres; over 20 acres is in Dover Township, which includes all of this application. Mr. Schefter noted that the concept of agri-business has changed in recent years to include other operations other than just raising food or animals. Mr. Bross explained his business with a brochure, marked as Applicant's Exhibit 1. His business sells healthy, "grab and go" meals to a variety of outlets. They package and distribute these products. They do not currently grow all the ingredients for these products, but they would like to expand into producing more of those ingredients, and using more local products. His parents own the farm where the business will be located. Lifestyle Foods, which is based in York, will be leasing the property from his parents. A copy of the lease agreement was marked as Applicant's Exhibit 2.

Questioning by Mr. Schefter: does Lifestyle Foods grow the produce? Not currently. They assemble various types of ingredients into packages for consumer use. When the products enter the facility, they are reassembled. They dip/wash grapes or tomatoes. They do not cut or wash the lettuce. They operate year round and of course, could not grow all of the ingredients in this area. They do use local produce and meat products as much as possible. The current facility is in New Oxford. There will be no retail sales at the new location. Target customers: colleges, medical facilities, businesses, and the like. Currently 45 employees; anticipate the same plus a few more within the next two years at the new facility. One shift currently; 6 a.m. to 2 p.m.

A sketch of the new facility was presented. The building is proposed to be within the wooded area. Presently the farmland is rented to a local farmer. Nothing is being done with the

woods. In the future, they will either continue renting or farm it themselves. They would likely consider farming tomatoes, carrots, perhaps spinach and celery. Building proposed – pole building. Mr. Bross will continue to live on the farm.

From the audience, Donald Angel, adjoining property owner, asked why the building is proposed to be located so close to his property. Why not locate it closer to Mr. Bross's house? The woods is obviously unsuitable for farmland. A location closer to the Bross house is in good farmland, which would not be permitted. Mr. Schefter noted that the Planning Commission suggested that the building be placed in the wooded area so as not to use up valuable farmland. Mr. Angel noted that campground traffic is already heavy in this area. He has a problem with a business being introduced on a farm property.

A spiral-bound packet of information was marked as Applicant's Exhibit 3. Mr. Lopez explained that the business uses over 600,000 pounds of agricultural products per year. He noted that there would not be enough land at this site to grow the amount of romaine lettuce that they require. The facility will be inspected. How about truck traffic? Numbers and information were given, based on the New Oxford facility. Sundays, one truck; Monday, 4 trucks; Tuesday, 5; Wednesday, 8; Thursday, 2; Friday is another heavy day (no number given); none on Saturday. Fewer than 30 trucks in and out per week. Water consumption – 12,000-15,000 gallons per week. Mr. Angel feels that this is a bogus estimate, particularly when Mr. Lopez compared the water usage of the typical household. He also wondered about the run-off. Mr. Craley asked if Mr. Angel has ever had well problems; no, he has never run out of water. Sometimes in the summer "it's a bit touchy."

Mr. Schefter reviewed the ordinance requirements to assure the Board and the public that the applicants will comply with the requirements. The parking lot area will be, at its closest, at least 100' from the property line. The building will be 600-800 feet off the road. Lot coverage is estimated at five acres, which would be less than five percent, which is within the ordinance limits. A drawing showing the proposed building and parking lot was marked as Applicant's Exhibit 4. Truck turnaround? There's a circle driveway which the trucks will use to enter and exit. No parking along the road. No truck stacking on the road. No overnight trucks. Buffer will be provided – wooded area between the parking lot and the neighboring property. Mr. Lopez's idea is to basically hide the building within the wooded area. How about in relation to Mr. Angel's property? Mr. Bross feels that the woods will shield the Angel property fairly well, except in the winter, when the leaves are off the trees. The applicant is amenable to additional screening, if required. Parking requirements will be met. With 45 employees, the applicant is providing 84 spaces. Any sign that is placed will comply with the ordinance; no sign is currently proposed.

Mr. Schefter reviewed the requirements for a Special Exception. He feels that this type of business is certainly permitted in this Zone by Special Exception. Private water and sewer will be available to the business. These requirements will be addressed at the Land Development stage. The applicant certainly doesn't want to create any problems with the neighbors. Roadways were discussed. Mr. Schefter noted that the roads are 19' wide. Road improvements may need to be made, and if the cost is prohibitive, the project may be withdrawn. It was noted that there are 45 employees total for the business, but all of those employees will not be coming to this location every day.

Mr. Schefter feels that this proposal certainly qualifies as an agri-business, according to the ordinance.

Mr. Wright asked about the washing of the produce, if the applicant wants to grow more produce. Mr. Bross feels that they can use the same dipping system for the tomatoes and carrots. The lettuce would present more of a problem, certainly. It was noted that the entire facility will be refrigerated. Mr. Angel is concerned about the noise of the compressors and fans for that refrigeration. Mrs. Ginter established that the current facility is in the borough of New Oxford and backs up against a residential development. The noise is not a problem at that location. Mrs. Sprenkel noted that Dover Township has a noise ordinance.

It was noted that Paradise Township that adjoins this property is zoned Agricultural in this area.

There were no questions from the audience. Mr. Angel noted that he is against the proposal, as he feels it's a factory, not an agri-business.

The Planning Commission unanimously recommended approval. Hearing closed.

Ruling:

ZHB 14-1, Lifestyle Foods

Motion by Ginter, second by Barkdoll, to approve the request for Special Exception by Lifestyle Foods for Agribusiness as presented. All members voted aye; motion carried.

III. Other Business

Nothing at this time.

Motion by Bubb, second by Ginter, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary