

MIDDLETOWN TOWNSHIP
ZONING HEARING BOARD

Thomas Danzi

Joseph Klodarska

Gerry Gebhart

Bryan Messick

Jacquelyn S. Goffney

Minutes of the Zoning Hearing Board

The regular meeting of the Middletown Township Zoning Hearing Board was held on **September 25, 2024**, beginning at 6:00 PM at the Middletown Township Building, 27 N. Pennell Road, Lima, PA.

Members Present: Tom Danzi, Gerry Gebhart, Jackie Goffney,
Joe Klodarska, Bryan Messick

Staff Present: John McBlain, Solicitor; Meredith Merino, Zoning Officer

Approval of Minutes: Mr. Danzi made a motion to approve the minutes of the April 24, 2024 meeting, which was seconded by Mr. Klodarska and approved as submitted by a vote of 5-0.

Old Business:

Case No. 2023-12: On August 23, 2023, Laurel McCullough of 38 Carriage Drive was granted a variance from Section 275-21.A.(6) for side yard setbacks in the R-1 Zoning District and a variance from Section 275-206.B.(1) for expansion of a nonconforming structure in order to construct an addition that will project to within 16' of the side property line. On August 6, 2024, the applicant requested a 1-year extension of the variance, to August 23, 2025. Mr. Danzi made a motion to grant the extension, which was seconded by Mr. Klodarska, and approved by the board with a vote of 5-0.

Case No. 2023-13: On September 27, 2023, an application of Granite Run Chicken, LLC for property located at 1099 W. Baltimore Pike (zoned B-2/MCO), was granted a variance from Section 275-140.8 to allow drive-thru/menu board signage which is not contemplated in the MCO District regulations. Two 7.2 s.f. preview boards and two 22.43 s.f. menu boards are proposed. Applicant was also granted a variance from Section 275-195.B(4)(e)[2] to permit 3 exterior wall signs, totaling 75.6 s.f., where two are permitted. On July 26, 2024, the applicant requested a 1-year extension of the granted variances, to September 27, 2025. Mr. Klodarska made a motion to grant the extension, which was seconded by Mr. Messick, and approved by the board with a vote of 5-0.

New Business:

Case No. 2024-04: An application of Wawa, Inc. for a variance from the landscaping requirements of Section 275-214.D.(5)(c) at the dairy facility located at 1393 W. Baltimore Pike, zoned SU-1. Applicant proposes several building additions to the dairy facility building which require the installation of five foundation shrubs for every 20 feet of building length. A variance from this requirement is being requested for operational safety reasons.

Attorney Mark Damico, representing the applicant Wawa, Inc. introduced Engineer for the Applicant, Gus Houtmann, who was sworn in as an expert in the field of engineering. Wawa Dairy Plant Facility and Maintenance Manager Samantha Eller was also sworn in.

Mr. Damico entered the following exhibits into the record:
Exhibit A-1 deed
Exhibit A-2 powerpoint presentation

Mr. Damico explained that Wawa is proposing to expand the dairy facility, and except for the landscape plantings, the land development application meets all zoning requirements. Mr. Houtmann described the existing conditions while pointing to the aerial view of the property, and explained that the main dairy plant building is a 106,000 s.f. building where milk and drink products are processed throughout the entire east coast. North of the plant building is the tobacco and candy warehouse (26,000 s.f.), and west of that warehouse is the old cow barns currently used for storage. The proposed additions are highlighted in white on the site plan. Three separate stormwater management facilities are proposed.

Zoning relief is needed for the requirement to plant shrubs in close proximity to the new buildings. Of the 595 feet of new building façade length, there is a requirement of 150 shrubs to be planted. The variance is needed because the plant is operated under certain protocols of FDA and safe quality food requirements, which require that vegetation must be controlled to prevent rodents and pests. A note on the land development plan states that a fee-in-lieu value will be placed on the shrubs in exchange for the granting of zoning relief.

Mr. Houtmann stated that the standards for relief have been met; the requirements of the FDA are in direct conflict with the shrubs and mulch beds adjacent to buildings housing food. There is no negative effect on the health, safety and welfare of the community by granting the requested zoning relief.

Mr. Klodarska asked if any consideration had been given to planting shrubs elsewhere on the property. Mr. Houtmann responded that the code requires shrubs to be located in proximity to buildings; however, there are 24 trees being planted as a buffer on the east side of the property.

Ms. Eller explained the FDA requirement that all leaves, water and foliage must be removed from around buildings and an 18" perimeter must be maintained around all buildings that are food-processing. Mr. Damico stated that the variance could be approved with the condition that a fee-in-lieu amount will be arrived at in consultation with Township.

No one was present in opposition to the application. After no further discussion, the hearing was closed and exhibits were admitted into the record. Mr. Messick made a motion to approve the requested variance with the condition that the applicant provide a fee-in-lieu to the Township to be determined by the Township and Applicant, which was seconded by Mr. Danzi. The board voted 5-0 to approve the variance.

Adjournment: There being no further business, the meeting was adjourned at 6:30 PM.

Respectfully Submitted,

Meredith Merino, Zoning Officer