

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
: THE APPLICATION OF : ZONING HEARING BOARD
: NEW ENGLAND MOTOR FREIGHT : CUMBERLAND COUNTY, PENNSYLVANIA
: : DOCKET NO. 2016-04

DECISION GRANTING A VARIANCE

The Applicant requests a variance from the impervious coverage restrictions of the General Industrial Zoning District. A hearing was held before the Board on November 17, 2016.

FINDINGS OF FACT

1. Notice of the hearing was properly advertised, the subject property was posted, and all property owners required to be notified of the hearing were notified in accordance with the Codified Ordinances.

2. The Applicant is New England Motor Freight (NEMF), having offices at 141 E. 26th Street, Erie, PA 16504.

3. The Applicant is the tenant of the subject property, which is owned by Amerach LP, 1-71 North Avenue East, Elizabeth, NJ 07201.

4. The subject property is a tract of land of approximately 16 acres located in an I-1 Zoning District, and improved with structures and facilities used in truck transportation. It is known as 2800 Appleton Street, tax parcel no. 13-25-0020-055A.

5. The subject property has been used as a logistics-related facility for more than 40 years, and Applicant has operated there since 2000.

6. To remain competitive, NEMF proposes to construct an additional 36 truck parking spaces in the southern portion of the subject property. The project will allow more truck storage and result in a larger maneuvering area for safer and more efficient operations.

7. Upon completion of the project, the subject property will have impervious coverage of 79%.

8. Contiguous properties are either fully developed or otherwise not available for acquisition or use by the Applicant for its expansion project.

9. Applicant proposes to construct an oversized storm water infiltration basin which will allow storm water to be managed as effectively as would be the case if the subject property had impervious coverage of 70%.

10. No one testified in opposition to the requested relief.

CONCLUSIONS OF LAW

1. Under Sections 220-266 and 220-269(B)(5) and (C) of the Codified Ordinances, the Zoning Hearing Board has jurisdiction to hear and decide requests for variances.

2. Under Section 220-83 of the Codified Ordinances, impervious coverage of a lot in an I-1 Zoning District shall not exceed 70% of the lot.

3. The location and extent of existing improvements on the subject property and competitive pressures in the trucking industry create an unnecessary hardship necessitating variance relief.

4. The unnecessary hardship has not been created by the Applicant.

5. The requested variance will not alter the essential character of the district in which the subject property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

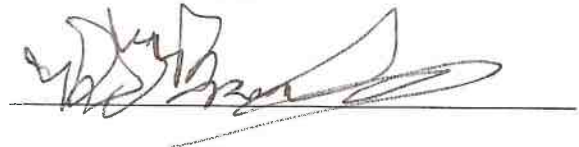
6. The requested variance will represent the minimum variance to afford relief.

DECISION

Based upon the foregoing findings and conclusions, and in consideration of the testimony and evidence presented to the Board, it is the decision of the Board that the Applicant's request for a variance be and is hereby approved, subject to the following conditions:

- (1) the Applicant shall satisfy all requirements of the Township relating to submission of a formal drainage plan; and
- (2) the Applicant shall maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD



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A handwritten signature in blue ink, appearing to read "D. ...", written over a horizontal line.

Solicitor

Date: 11.29.2016