

**BEFORE THE FAIRVIEW TOWNSHIP
ZONING HEARING BOARD**

DECISION

**IN RE: APPLICATION OF 2024 FISHING CREEK FAIRVIEW, LLC
APPLICATION NO. 2023-12**

APPLICANT(S): 2024 Fishing Creek Fairview, LLC
HEARING DATE: December 21, 2023
DECISION DATE: December 21, 2023
APPEARANCES: Julie L. von Sprechelsen, Esq. (attorney for Applicant)
John Alejnikov, P.E. (the engineer for Applicant)
Stephen Waller, Township Zoning Officer
EXHIBITS: Exhibit 1 – Application (including all submittals)
Exhibit 2 – Exhibit Booklet (marked as A-1 at hearing, and including tabs 1-10 as provided in said Exhibit Booklet)
SUBJECT PROPERTIES: 550 Old York Road, New Cumberland, PA 17070, having UPI No. 27-000-QG-0003.E0-00000
Red Haven Road, New Cumberland, PA 17070, having UPI No. 27-000-QG-0003.E0-C0001

BACKGROUND

This decision of the Fairview Township Zoning Hearing Board (the “**Board**”) is from an application filed with Fairview Township (the “**Township**”) on or about November 20, 2023 (the “**Application**”), seeking zoning relief under the Township’s Zoning Ordinance (the “**Ordinance**”), for the following Variances: (i) Variance from Section 300-32.A(1) and (2) related to service equipment screening and location for nonresidential uses (to permit the trash enclosure within the front yard); (ii) Variance from Section 300-46.B(9)(b)[2] and 300-46.B(9)(b)(5)(b) related to performance standards for outdoor lighting (to permit a low intensity decorative sconce to demarcate the entrances to the proposed building that does not meet the “cutoff” criteria and to permit light pole mounting heights of 20.5’ within 100’ of existing residential uses in the RMU); (iii) Variance from Section 300-62.I and M(1) relating to loading standards (to permit the off-street loading facilities be located within the front yard and to reduce the 10’ wide buffer to 6.5’ between the right-of-way and off-street loading area; (iv) Variance from Section 300-71.C(2) relating to supplemental standards for automobile fuel/gas sale uses (to reduce the 25’ setback to 11.7’ from the right-of-way or lot line (as applicable); and (v) Variance from Section 300-99.D(11)(a), (b), and (c) in accordance with subsection (d) relating to timelines (to permit Applicant to exceed the deadline to obtain a permit, commence construction, and complete construction after zoning relief award (if applicable)). The subject properties are located at 550 Old York Road, New Cumberland, PA 17070, having UPI No. 27-000-QG-0003.E0-00000 and Red Haven Road, New Cumberland, PA 17070, having UPI No. 27-000-QG-0003.E0-C0001, both within the Township’s Commercial Business (CB) Zoning District.

A hearing was held on the Application on Thursday, December 21, 2023, with the meeting starting at 6:00 p.m. The Zoning Hearing Board was represented by Timothy Mader

(Chairman), Keith Bashore, and Mark Perry. All published and posted notices were duly given, with no objection thereto being made in writing or orally at the time of the hearing. No testimony in opposition to the Application was offered or taken despite a number of parties attending the hearing in addition to the Applicant and its representatives. At the start of Applicant's testimony for the hearing, Applicant withdrew its variance request under Section 300-46.B(9)(b)(5)(b) related to performance standards for outdoor lighting (to permit light pole mounting heights of 20.5' (above the 16' requirement) within 100' of existing residential uses in the RMU). The Board accepted such withdrawal. After hearing the testimony and viewing the evidence in this matter, the Board makes the following determinations:

FINDINGS OF FACT

1. 2024 Fishing Creek Fairview, LLC ("***Applicant***") is the equitable owner of property located at 550 Old York Road, New Cumberland, PA 17070, having UPI No. 27-000-QG-0003.E0-00000 and Red Haven Road, New Cumberland, PA 17070, having UPI No. 27-000-QG-0003.E0-C0001, having an irregular shape and combined area of roughly 2.0 acres (the "***Property***"), which is currently owned by Old York Developers, LLC.

2. The Applicant intends to combine the Property into one single lot, which would then be used for the development, construction, and operation of a Wawa convenience/gas store (having an area of 6,049 sq. ft., not including the fuel pump area) (the "***Proposed Use***").

3. John Alejnikov, P.E. is qualified as an expert witness related to civil engineering for land use and development.

4. The Property is located in the Township's Commercial Business (CB) Zoning District (the "***CB Zone***") and is currently unimproved and vacant.

5. The Proposed Use is a use permitted by right in the CB Zone, therefore no zoning relief is requested or required for the development and operation of the Use.

6. The Property is situated along Old York Road, a state road, which borders the entire west side of the Property.

7. The Property is bound on the south, north and east sides with existing access drives, and also neighbors a CVS Pharmacy store (to the south) and a to-be opened Tractor Supply store to the rear (on the east side of the Property).

8. Access to the Property will be from Old York Road via the two (2) access drives to the south and north of the Property, which will provide access via the drive along the rear/east side of the Property which will have two (2) direct accesses to the Property (see Exhibit 2 at Tab 6).

9. The Property will not have any direct access with Old York Road, and PennDOT would not permit an HOP for such direct access, necessitating the use of the existing access drives to provide access to the Property.

10. The Property has an irregular rectangle shape (narrowing from south to north), and slopes roughly 31' from the northeast corner down to the southwest corner of the Property.

11. Applicant proposes to locate the trash enclosure within the front yard between the principal building and the public street within the required 25' setback from the public street right-of-way (as required by Section 300-71.C(2)).

12. Applicant seeks to locate the trash enclosure within 11.7' of the Old York Road right-of-way (see Exhibit 2 at Tab 6), which is 32' from the actual edge of Old York Road.

13. Location of the trash enclosure as requested is required by the orientation of the Property and trash collection access/turning radius concerns.

14. Applicant seeks to install low intensity decorative sconces at the entrances to the building that do not meet the "cutoff" criteria provided in 300-46.B(9)(b)[2].

15. Said sconces are purely decorative in nature, and are not shielded as required, rather Applicant testified to the use of frosted glass to reduce lamination, with the main entrance sconces having the illumination equivalency of a 150 watt light bulb (if it existed) and the rear entrance sconces having the illumination equivalency of a 100 watt light bulb.

16. Applicant seeks to locate the off-street loading area in the front yard (between the building and Old York Road) having a 6.5' wide buffer between the street right-of-way and the loading area, rather than the minimum required 10' wide buffer required under Section 300-62.I and M(1) relating to loading standards, all as depicted on Exhibit 2, Tab 6 due to the Property orientation and how the Use will have to be developed.

17. The encroachment of the loading area would only amount to roughly 95' within the buffer area, or roughly 2% of the buffer space as encroachment (see Exhibit 2, Tab 10).

18. Location of the loading area is required for turning radius concerns of vendors, as well as state regulations requiring gas station clerks have unimpeded views of the fuel pumps.

19. All other aspects of the Proposed Use will comply with the Ordinance regulations.

20. None of the requested changes would have any adverse impact on surrounding property owners, or adversely impact any surrounding use, and all are necessitated due to the unique physical characteristics of the Property, which make developing and using the Property in strict conformity with the ZO to be highly difficult.

21. Applicants also request extensions of the time requirements under Section 300-99.D(11)(a), (b), and (c) in accordance with subsection (d) to permit a timetable of 3 years to obtain all land development approvals, building permits and commence construction, and 4 years to complete construction, which would supersede the deadlines in the ZO for obtaining all permits and commencing construction (2 years), and completion of construction (3 years).

22. Stephen Waller, as the Township Zoning Officer, testified that all public notice of the application and hearing were legally conducted and performed, with the hearing being advertised in the newspaper on December 7th and 14th, the Property being posted at multiple locations on December 13th, and the adjoining property owners having letters mailed to them on December 1st.

CONCLUSIONS OF LAW

1. The Applicant has established the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant variances from Sections 300-32(A) and 300-71.C(2) to permit the trash enclosure to be located in the front yard and within the 25' setback (to be 11.7' from the Old York Road right-of-way).

2. The Applicant has established the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant variances from Sections 300-62(I) and 300-62(M)(1) to permit the off-street loading area to be located in the front yard and within the 10' wide buffer (to be 6.5' from the Old York Road right-of-way).

3. The Applicant has not established the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant a variance from Section 300-46.B(9)(b)(2) to permit the requested sconces that do not meet the "cutoff" criteria, as the Board found such requests purely decorative and not necessary for the orderly development or operation of the Proposed Use.

4. The Applicant has established the requested timetable extensions under Section 300-99.D(11)(a), (b), and (c) in accordance with subsection (d) (being extensions to 3 years to obtain all land development approvals, building permits and commence construction, and 4 years to complete construction) are logical and normal to meet the requirements of the project to develop the Proposed Use.

DECISION

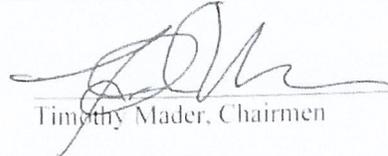
Mr. Perry moved as follows: (i) to grant the zoning relief requested by the Applicant in the Application related to Sections 300-32(A), 300-71.C(2), 300-62(I) and 300-62(M)(1), being variances (A) to permit the trash enclosure to be located in the front yard and within the 25' setback (to be 11.7' from the Old York Road right-of-way) and (B) to permit the off-street loading area to be located in the front yard and within the 10' wide buffer (to be 6.5' from the Old York Road right-of-way), (ii) to deny the zoning relief requested by the Applicant in the Application related to Section 300-46.B(9)(b)(2) to permit the requested sconces that do not meet the "cutoff" criteria, and (iii) to grant the requested timetable extensions under Section 300-99.D(11)(a), (b), and (c) in accordance with subsection (d) so that Applicant has 3 years to obtain all land development approvals, building permits and commence construction, and 4 years to complete construction.

Mr. Bashore seconded the motion. Upon a vote, the Fairview Township Zoning Hearing Board unanimously approved the motion.

APPLICANT SHALL ABIDE BY ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND ORDINANCES PERTAINING TO PERMISSIONS GRANTED BY THIS DECISION.

APPLICANT SHALL PROCEED PURSUANT TO THIS DECISION IN ACCORDANCE WITH THE TESTIMONY AND EXHIBITS PRESENTED AT THE HEARING.

Date: 1/5/24



Timothy Mader, Chairmen

ANY PERSON AGGRIEVED BY THIS DECISION OF THE FAIRVIEW TOWNSHIP ZONING HEARING BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA. THE APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS FROM THE MAILING OF THESE FINDINGS OF FACT, CONCLUSIONS OF LAW AND THE ABOVE DECISION.

MAIL DATE: 1/5/24



ZONING HEARING BOARD APPLICATION
YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: 2024 Fishing Creek Fairview LLC
Address: 194 Mount Airy Road
Basking Ridge, NJ 07920
Phone: 908-221-0882

EXISTING OWNER OF PROPERTY:

Name: Old York Developers, LLC
Address: 1224 Mill Street, Building D, Suite 130, East Berlin, CT 06023
Name: TKC CCLXXXVIII, LLC
Address: 4500 Cameron Valley Pkwy., Suite 400, Charlotte, NC 28211

PROPERTY LOCATION:

Address: Fishing Creek and Old York Road
New Cumberland, PA 17070
Lot Size: 16.26 AC
Date Purchased: 2023
Location: Fishing Creek and Old York Road

PRESENT USE OF PROPERTY:

Vacant condominium lots

EXISTING ZONE: CB- Commercial Business

❖ Part 2:

ZONING REQUEST (Identification of the applicable request(s)):

- () SUBSTANTIVE CHALLENGE
() SPECIAL EXCEPTION
(✓) VARIANCE
() APPEAL OF THE ZONING OFFICERS DECISION

SECTION(S) OF ZONING ORDINANCE WHICH APPLY TO THIS REQUEST - Please identify the specific section(s) of the Zoning Ordinance involved in the request:

Please see application addendum

❖ Part 3:

DESCRIPTION OF REQUEST:

Please see application addendum

❖ *Part 4*

LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 200 FEET OF THE PERIMETER OF THE ENTIRE PROPERTY.

NAME	ADDRESS	USE TYPE
	Please see supplemental document for property owner information	

❖ *Part 5 For office use only:*

ZONING HEARING BOARD CHECKLIST

Application Received: _____

Property Zoned: _____

Asking for Special Exception, Variance or Appeal: _____

Case No.: _____

Fees Paid: _____

Hearing Date: _____

Draft Public Notice sent to Attorney for review: _____

Notice sent to Newspaper: _____

Notice Published in Newspaper: _____

Notice Mailed to Property Owners in 225ft. Buffer: _____

Public Notice Posted on Property: _____

ZHB Packets Mailed and Emailed: _____

**FAIRVIEW TOWNSHIP ZONING HEARING BOARD
ADDENDUM TO ZONING APPLICATION**

Applicant: 2024 Fishing Creek Fairview LLC
c/o Ferber Construction Management North, LLC
194 Mount Airy Road
Basking Ridge, NJ 07920

Owners: Old York Developers, LLC TKC CCLXXXVIII, LLC
1224 Mill Street, Building D 4500 Cameron Valley Pkwy.
Suite 130 Ste. 400
East Berlin, CT 06023 Charlotte, NC 28211

Properties: 550 Old York Road Red Haven Road
TPN: 27-000-QG-0003.E0-00000 TPN: 27-000-QG-0003.E0-C0001

Relief Requested: 1. Variations from sections 300-32.A(1) and (2) "Appurtenant service equipment screening and location for nonresidential and other uses".

To permit the trash enclosure in a required accessory use or structure setback, and within the front yard between the principal building and the public street.

2. Variations from sections 300-46.B(9)(b)[2] and 300-46.B(9)(b)[5][b] "Performance standards for all uses – Outdoor lighting".

To permit a low intensity decorative sconce to demarcate the entrances to the building that does not meet the "cutoff" criteria;

and,

To permit light pole mounting heights of 20.5' within 100' of existing residential uses in the RMU, rather than the maximum permitted height of 16'.

3. Variations from sections 300-62.I and M(1) "Loading standards".

To permit the off-street loading facilities to be located within the front yard between the principal building and public street;

and,

To permit a 6.5' wide buffer between the edge of the street right-of-way and the off-street loading area, rather than the minimum required 10' wide buffer.

4. A variance from section 300-71.C(2) "Additional supplemental standards and requirements for specific principal nonresidential commercial uses – Automobile fuel/gas sales".

To permit the trash enclosure to be located 11.7' from the street right-of-way or lot line, rather than the required 25'.

5. Variances from sections 300-99.D(11)(a), (b), and (c) in accordance with subsection (d) "Zoning Hearing Board – Hearings – Effect of Zoning Hearing Board of the Township of Fairview's decision".

To permit, in accordance with subsection (d), a timetable that supersedes the deadlines for obtaining a permit, commencing construction, and completing construction.

BACKGROUND

This application proposes the consolidation and development of 2 condominium units with a 6,049 square foot Wawa convenience store with stacked 8 multi-product fuel dispensers and associated parking, lighting, landscaping, and signage improvements.

2024 Fishing Creek Fairview LLC ("Landowner") is the equitable owner of 2 condominium units totaling approximately 2 acres of a 16.26 acre property located at 550 York Road, Fairview Township, Pennsylvania, York County tax parcel numbers: 27-000-QG-0003.E0-00000 and 27-000-QG-0003.E0-C0001 ("Condo Property").

The Condo Property is located in the Growth Area CB Commercial Business Zoning District and consists of: Condominium Unit 1 comprising 6.35 acres and

Addendum to Zoning Application of 2024 Fishing Creek Fairview LLC

developed with a Tractor Supply; Convertible/Withdrawable Real Estate A comprising 1.02 acres of vacant ground; Convertible/Withdrawable Real Estate B comprising 1 acre of vacant ground; Convertible/Withdrawable Real Estate C comprising 6.19 acres of vacant ground; Common Element 1 comprising 1.66 acres of shared access drives; and Common Element 2 comprising 0.34 acres and located across Old York Road. Condominium Unit 1 is owned by TKC CCLXXXVIII LLC while the remainder of the Condo Property is owned by Old York Developers, LLC.

PROPOSED DEVELOPMENT

Landowner proposes consolidation of Convertible/Withdrawable Real Estate A and B (“Condominium Unit 2”). Condominium Unit 2 will comprise approximately 2 acres and is proposed to be improved with a 6,049 square foot Wawa convenience store with stacked 8 multi-product fuel dispensers, a fueling canopy, and associated improvements including parking, lighting, signage, and landscaping. The convenience store use is permitted by right in the CB Commercial Business Zoning District.

ZONING RELIEF REQUESTED

Landowner is entitled to the requested dimensional variances, outlined above, from the Fairview Township Zoning Ordinance, as amended, for the following reasons:

(1) Condominium Unit 2 is rectangular in shape with the length of the frontage along Old York Road more than doubling the size of the width. Also, Condominium Unit 2 is a corner lot fronting on Old York Road and Fishing Creek Road. The other two sides of the property are along access drives. Given this lot configuration, the location of

Addendum to Zoning Application of 2024 Fishing Creek Fairview LLC

the trash enclosure in a required accessory use or structure setback, and within the front yard between the principal building and the public street is necessary.

(2) The angle and height of the proposed light sconces are necessary for public safety. The proposed light sconces are not expected to create a glare situation, nor are they expected to contribute to sky glow due to the low output and frosted glass surrounding this luminaire. Additionally, due to the layout of the parking area, the proposed light pole fixture mounting height is necessary for safe and uniform lighting levels to be provided.

(3) The trash enclosure and loading area locations and the reduction in the required width of the buffer area between the street right-of-way and the loading area are all necessary due to the lot's configuration, which is a long length and narrow width.

(4) If successful in obtaining the requested dimensional variances from the Zoning Hearing Board, Landowner will need to obtain outside agency permits and approvals in addition to land development approvals and building permits from the Township. Thus, Landowner requests to supersede the Zoning Ordinance deadlines by an additional year, three rather than two, to obtain those permits and approvals and to commence construction, and an additional year, four rather than three, to complete construction.

(5) The requested dimensional variances, if granted, will not alter the essential character of the neighborhood, nor will such variances substantially or permanently impair the appropriate use or development of adjacent parcels.

Addendum to Zoning Application of 2024 Fishing Creek Fairview LLC

(6) The dimensional variances requested represent the minimum variances that will afford relief and represent the least modification possible of the regulations in issue.

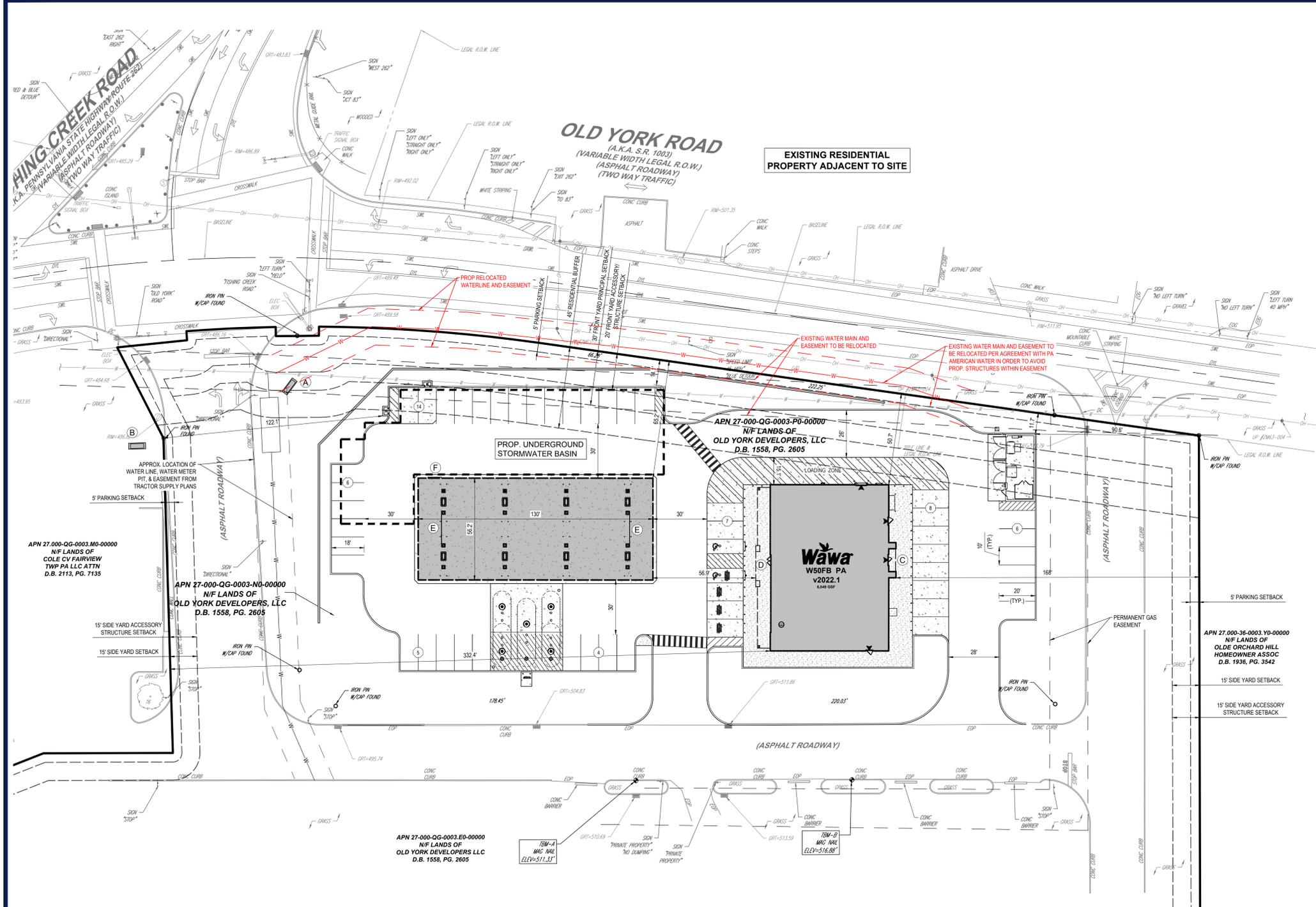
(7) The requested variances meet the standards set forth in section 910.2(a) the Pennsylvania Municipalities Planning Code, 53 P.S. § 10910.2(a), and section 300-99.E(4) "Variances" of the Zoning Ordinance.

Respectfully submitted,

EASTBURN and GRAY, PC

A handwritten signature in blue ink that reads "Julie L. Von Spreckelsen". The signature is written in a cursive style and is positioned above a horizontal line.

Julie L. Von Spreckelsen, Esquire



ZONING TABLE				
ZONE: CB - COMMERCIAL BUSINESS USE: CONVENIENCE STORE (PERMITTED BY RIGHT)				
APPLICANT / OWNER INFORMATION				
APPLICANT:	2024 FISHING CREEK FAIRVIEW LLC C/O FERBER CONSTRUCTION MANAGEMENT NORTH, LLC 194 MOUNT AIRY ROAD BASKING RIDGE, NJ 07920			
PROPERTY OWNER:	OLD YORK DEVELOPERS, LLC			
BULK REQUIREMENTS				
ITEM	CODE	REQUIRED	EXISTING	PROPOSED
LOT AREA		N/A	16.26 AC	16.26 AC
MIN. NET LOT AREA PER UNIT	\$ 300-21.F		N/A	N/A
MIN. LOT WIDTH AT LOT FRONTAGE	\$ 300-21.F	100.0'	181.1'	181.1'
MIN. PRINCIPAL SETBACKS				
FRONT YARD	\$ 300-21.F	30.0'	N/A	50.7'
SIDE YARD (EACH SIDE)	\$ 300-21.F	15.0'	N/A	332.4' / 168.0'
REAR YARD	\$ 300-21.F	15.0'	N/A	778.9'
MIN. ACCESSORY USE OR STRUCTURE SETBACKS	\$ 300-21.F	20.0'	N/A	11.7' (V)
SIDE YARD (EACH SIDE)	\$ 300-21.F	15.0'	N/A	122.1' / 90.6'
REAR YARD	\$ 300-21.F	15.0'	N/A	718.1'
MAX. IMPERVIOUS LOT COVERAGE*	\$ 300-21.F	75.0%	6.41%	32.46%
MIN. VEGETATIVE COVERAGE*	\$ 300-21.F	10.0%	99.8%	67.54%
MAX. BUILDING HEIGHT	\$ 300-21.F	55.0'	N/A	25.0'

*IMPERVIOUS COVERAGE AND VEGETATIVE COVERAGE REQUIREMENTS WERE CALCULATED BASED ON PLANS PREPARED BY PENNTERRA ENGINEERING, INC. ENTITLED "TRACTOR SUPPLY PRELIMINARY LAND DEVELOPMENT PLAN" DATED 03/02/22 LAST REVISED 10/12/2022. THE PROPOSED IMPERVIOUS COVERAGE LISTED IN THE AFORESAID PLANSET IS 24.44% WHICH WAS THE STARTING POINT FOR THE PROPOSED CALCULATIONS IN THE ABOVE CHART. THE PROPOSED DEVELOPMENT OF THE CONVENIENCE STORE LOT DEPICTED ON THIS PLAN WILL RESULT IN AN ADDITIONAL 8.03% INCREASE IN IMPERVIOUS COVERAGE FOR THE OVERALL LOT.

PARKING AND LOADING TABLE				
ITEM	CODE	REQUIRED	EXISTING	PROPOSED
MIN. ACCESS DRIVE WIDTH	\$ 300-55.D	12 FT FOR ONE-WAY; 24 FT FOR TWO-WAY ONE-WAY MUST BE 18 FT IF UTILIZED BY TRACTOR TRAILERS	N/A	26.0'
MIN. NON-PARALLEL SPACE SIZE	\$ 300-57.B.(8)(a)(1)	9 FT W x 18 FT L	N/A	10 FT W x 18 FT L 9 FT W x 20 FT L
MIN. REQUIRED SPACES	TABLE 8-2	1 SPACE PER 100 SQUARE FEET OF NET RETAIL FLOOR AREA, PLUS 1 PER FUEL GAS PUMP, PLUS 1 PER EMPLOYEE ON THE PEAK SHIFT 3,974 SF / 100 = 40 SPACES PLUS 16 GAS PUMPS = 56 SPACES PLUS 10 EMPLOYEES ON PEAK SHIFT = 10 SPACES 40 + 16 + 10 = 66 SPACES	0 SPACES	66 SPACES
MIN. PARKING SETBACK	\$ 300-57.B.(7)(a)(1)	5.0'	N/A	14.1'
MIN. INTERIOR DRIVE WIDTH FOR 90° PARKING	\$ 300-57.B.(8)(a)(1)	22.0'	N/A	28.0'
MIN. REQUIRED LOADING SPACES	\$ 300-62.F	1 SPACE FOR BUILDINGS 5,000 TO 50,000 SF	N/A	1 SPACE
MIN. LOADING SPACE SIZE	\$ 300-62.B.(2)	70 FT L x 14 FT W	N/A	96.8' L x 15.1' W

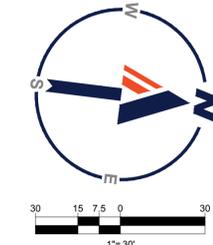
(ENC) = EXISTING NONCONFORMITY (V) = POTENTIAL VARIANCE

PROPOSED SIGNAGE

PROPOSED WAWA SIGNAGE SYMBOL LEGEND			
KEY	QTY.	DESCRIPTION	AREA (S.F.)
(A)	1	FREESTANDING SIGNAGE 20'-0" HIGH W/ PRICE (79.17 S.F.)	79.17
(B)	1	FREESTANDING SIGNAGE 7'-10" HIGH W/ PRICE (49.87 S.F.)	49.87
(C)	1	BUILDING MOUNTED SIGNAGE "WAWA" WITH LOGO (36.90 S.F.)	36.90
(D)	1	BUILDING MOUNTED SIGNAGE "WAWA" WITH LOGO (67.70 S.F.)	67.70
(E)	2	STACKED PUMPS SIGNAGE GAS PUMP SPANNER (7.84 S.F.)	15.68
(F)	1	CANOPY SIGNAGE WALL CANOPY SIGN (9.02 S.F.)	9.02
			TOTAL: 258.34

LEGEND	
PROPOSED	
EASEMENT LINE	---
SETBACK LINE	---
BUILDING	[Solid Grey Box]
RETAINING WALL	[Hatched Box]
CONCRETE CURB	[Solid Line]
ACCESSIBLE SYMBOL	[Wheelchair Icon]
CROSSWALK	[Zebra Stripes]
SIDEWALK	[Dashed Line]
SIGN	[Sign Icon]
BOLLARD	[Dot]
PARKING COUNT	(14)
UNDERGROUND BASIN	---

- VARIANCES REQUESTED FROM THE TOWNSHIP OF FAIRVIEW'S ZONING ORDINANCE**
- VARIANCES FROM SECTION 300-32.A.(1)&(2) "APURTENANT SERVICE EQUIPMENT SCREENING AND LOCATION FOR NONRESIDENTIAL AND OTHER USES". TO PERMIT THE TRASH ENCLOSURE IN A REQUIRED ACCESSORY USE OR STRUCTURE SETBACK AND WITHIN THE FRONT YARD BETWEEN THE PRINCIPAL BUILDING AND THE PUBLIC STREET.
 - VARIANCES FROM SECTION 300-46.B.(9)(b)(2) AND 300-46.B.(9)(b)(5)(B) "PERFORMANCE STANDARDS FOR ALL USES - OUTDOOR LIGHTING". TO PERMIT A LOW INTENSITY DECORATIVE SCONCE TO DEMARCATTE THE ENTRANCES TO THE BUILDING THAT DOES NOT MEET THE "CUTOFF" CRITERIA TO PERMIT LIGHT POLE MOUNTING HEIGHTS OF 20.5' PROPOSED WITHIN 100' OF EXISTING ADJACENT RMU DISTRICT, RATHER THAN THE MAXIMUM PERMITTED HEIGHT OF 16'.
 - VARIANCES FROM SECTION 300-62.J AND M(1) "LOADING STANDARDS". TO PERMIT THE OFF-STREET LOADING FACILITIES TO BE LOCATED WITHIN THE FRONT YARD BETWEEN THE PRINCIPAL BUILDING AND PUBLIC STREET. TO PERMIT A 6.5' WIDE BUFFER BETWEEN THE EDGE OF THE STREET RIGHT-OF-WAY AND THE OFF-STREET LOADING AREA, RATHER THAN THE MINIMUM REQUIRED 10'.
 - A VARIANCE FROM SECTION 300-71.C.(2) "ADDITIONAL SUPPLEMENTAL STANDARDS AND REQUIREMENTS FOR SPECIFIC PRINCIPLE NON RESIDENTIAL COMMERCIAL USES - AUTOMOBILE FUEL/GAS SALES". TO PERMIT THE TRASH ENCLOSURE TO BE LOCATED 11.7' FROM THE STREET RIGHT-OF-WAY OR LOT LINE, RATHER THAN THE REQUIRED 29'.
 - VARIANCES FROM SECTION 300-99.D.(11)(a), (b), & (c) IN ACCORDANCE WITH SUBSECTION (d) "ZONING HEARING BOARD - HEARINGS - EFFECT OF ZONING HEARING BOARD OF THE TOWNSHIP OF FAIRVIEW'S DECISION" TO PERMIT, IN ACCORDANCE WITH SUBSECTION (a), A TIMETABLE THAT SUPERCEDES THE DEADLINES FOR OBTAINING A PERMIT, COMMENCING CONSTRUCTION, AND COMPLETING CONSTRUCTION.



BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

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WHETHER IT'S FOR PRIVATE OR PUBLIC LAND.
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#20223412881

NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: PAA220453.00
DRAWN BY: DMB
CHECKED BY: JPA
DATE: 11/20/2023
CAD LID: PAA220453.00-ZONE-1B

ZONING PLAN

FOR

2024 FISHING CREEK FAIRVIEW LLC

PROPOSED CONVENIENCE STORE WITH GAS
FISHING CREEK & OLD YORK ROAD
FAIRVIEW TOWNSHIP
YORK COUNTY, PA, 17070

BOHLER
1600 MANOR DRIVE, SUITE 200
CHALFONT, PA 18914
Phone: (215) 996-9100
Fax: (215) 996-9102
www.BohlerEngineering.com

J.P. ALEJNIKOV
PROFESSIONAL ENGINEER
PENNSYLVANIA LICENSE # PE005400

SHEET TITLE:
ZONING PLAN

SHEET NUMBER:
1 OF 3

ORG. DATE - 11/20/2023

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REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY



NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: PAA220453.00
 DRAWN BY: DMB
 CHECKED BY: JPA
 DATE: 11/20/2023
 CAD ID: PAA220453.00-ZONE-1B

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BOHLER

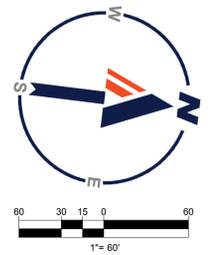
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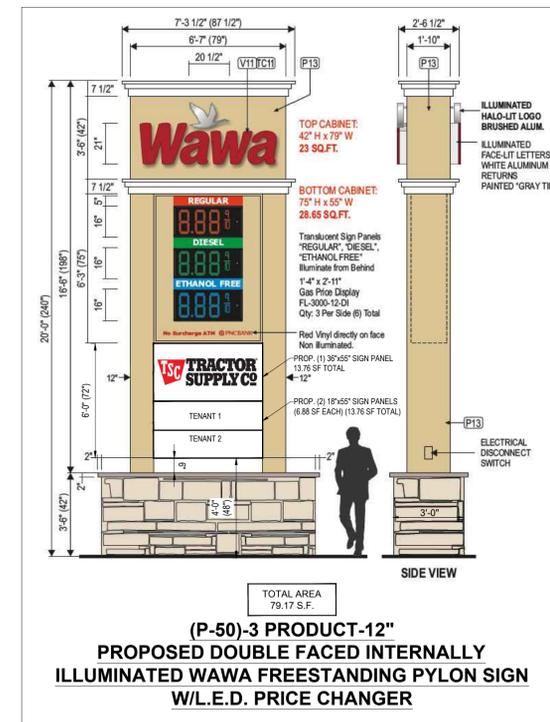
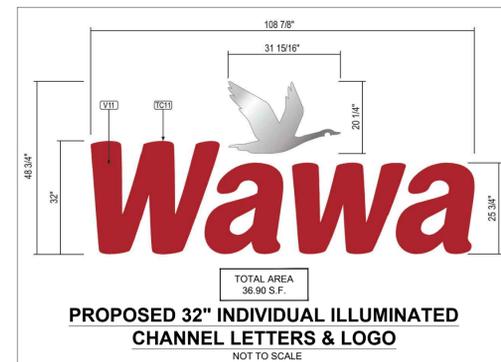
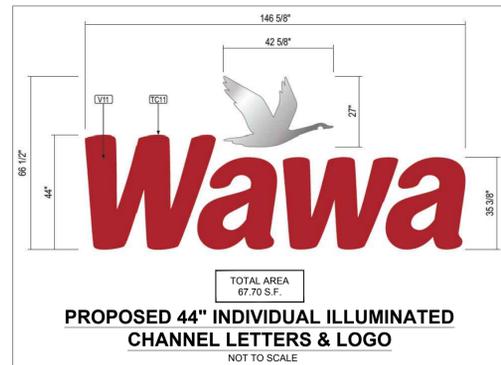
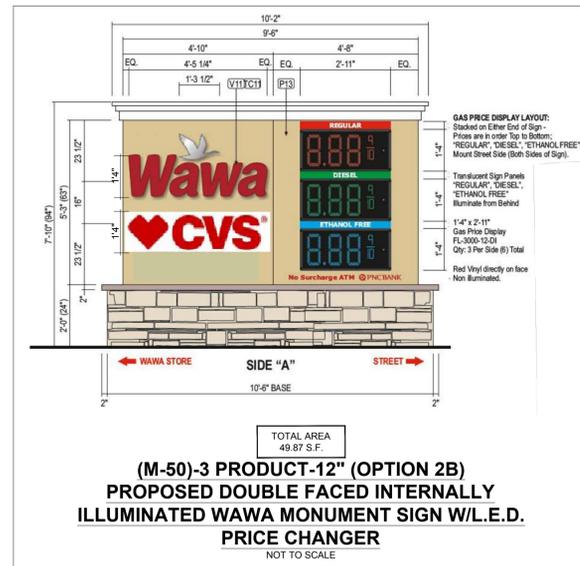
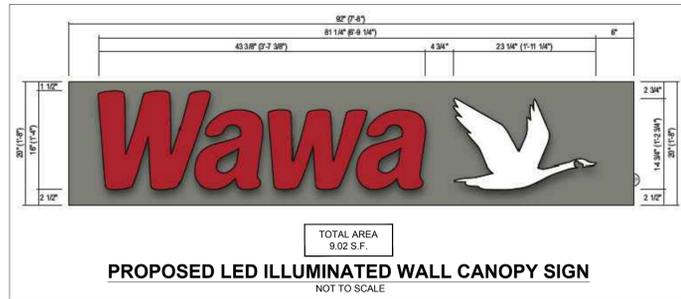
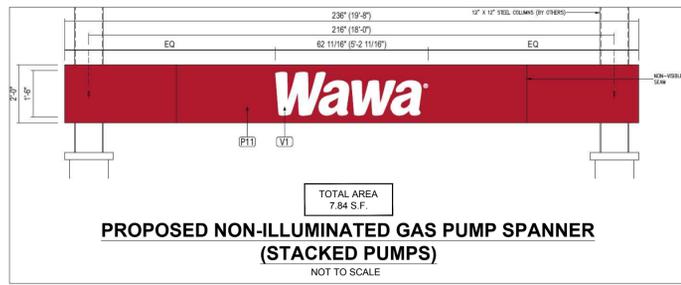


SHEET TITLE:
OVERALL ZONING PLAN

SHEET NUMBER:
2 OF 3

ORG. DATE - 11/20/2023





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SHEET TITLE:
ZONING DETAILS

SHEET NUMBER:
3 OF 3

ORG. DATE - 11/20/2023

Property Owners within 200 Feet

★ Fishing Creek and Old York Road, New Cumberland, PA 17070

Parcel 1

- Orchard Road, New Cumberland, PA 17070
 - Owner: Olde Orchard Hill Homeowner Association
 - Mailing Address: 101 Old Schoolhouse Lane, Mechanicsburg, PA 17055
 - APN: 27-000-36-0003-Y0-00000
 - Use: Common Area

Parcel 2

- Red Haven Road, New Cumberland, PA 17070
 - Owner: Old York Developers, LLC
 - Mailing Address: 1224 Mill Street, #D103, East Berlin, CT 06023 C/O Developers Realty Corp
 - APN: 27-000-QG-0003-E0-00000
 - Use: Commercial

Parcel 3

- 560 Old York Road, New Cumberland, PA 17070
 - Owner: Cole CV Fairview Township PA, LLC
 - Mailing Address: 2727 N Harwood Street, #300, Dallas, TX 75201
 - APN: 27-000-QG-0003-M0-00000
 - Use: Store Building/Retail

Parcel 4- A

- 550 Financial Way, Ethers, PA 17319
 - Owner: Martin Gross Family Limited Partnership
 - Mailing Address: 542 Industrial Drive, Lewisberry, PA 17339
 - APN: 27-00-QG-0003-00-C0001
 - Use: Office Condo

Parcel 4- B

- 542 Financial Way, Ethers, PA 17319
 - Owner: Martin Gross Family Limited Partnership
 - Mailing Address: 542 Industrial Drive, Lewisberry, PA 17339
 - APN: 27-00-QG-0003-00-C0003
 - Use: Commercial Condominium

Parcel 4- C

- 550 Financial Way, Ethers, PA 17319
 - Owner: Martin Gross Family Limited Partnership
 - Mailing Address: 542 Industrial Drive, Lewisberry, PA 17339
 - APN: 27-00-QG-0003-00-C0002
 - Use: Commercial Condominium

Parcel 4- D

- 550 Financial Way, Ethers, PA 17319
 - Owner: Martin Gross Family Limited Partnership
 - Mailing Address: 542 Industrial Drive, Lewisberry, PA 17339
 - APN: 27-00-QG-0003-00-C0004
 - Use: Commercial Condominium

Parcel 5

- 450 Fishing Creek Road, Etters, PA 17319
 - Owner: Bryan M Handyside/ Jennifer L Handyside
 - Mailing Address: 8 Colgate Drive, Camp Hill, PA 17011
 - APN: 27-000-QG-0003-H0-00000
 - Use: Store Building/Retail

Parcel 6

- Red Haven Road, New Cumberland, PA 17070
 - Owner: Old York Developers, LLC
 - Mailing Address: 1224 Mill Street, #D103, East Berlin, CT 06023 C/O Developers Realty Corp
 - APN: 27-000-QG-0003-E0-00000
 - Use: Commercial

Parcel 7

- 542 Old York Road, New Cumberland, PA 17070
 - Owner: Chase A Rehbein
 - Mailing Address: 542 Old York Road, New Cumberland, PA 17070
 - APN: 27-000-22-0101-00-00000
 - Use: Residential- One-Story House/ Single Family Residence

Parcel 8

- 539 Old York Road, New Cumberland, PA 17070
 - Owner: New Hope Ministries, Inc.
 - Mailing Address: PO Box 448, Dillsburg, PA 17019
 - APN: 27-000-22-0102-00-00000
 - Use: Residential- Office Building

Parcel 9

- 537 Old York Road, New Cumberland, PA 17070
 - Owner: New Hope Ministries, Inc.
 - Mailing Address: PO Box 448, Dillsburg, PA 17019
 - APN: 27-000-22-0103-00-00000
 - Use: Residential- Residential Lot/ Vacant Land

Parcel 10

- 535 Old York Road, New Cumberland, PA 17070
 - Owner: Steven L Winters/ Harry L Winters
 - Mailing Address: 535 Old York Road, New Cumberland, PA 17070
 - APN: 27-000-22-0104-00-00000
 - Use: Residential- One-Story House/ Single Family Residence

