

MINUTES OF THE ELIZABETHTOWN BOROUGH ZONING HEARING BOARD

June 3, 2019

The Elizabethtown Borough Zoning Hearing Board held a public meeting on Monday, June 3, 2019 at 7:00 P.M. at the Elizabethtown Borough Office, 600 South Hanover Street, Elizabethtown, PA.

Temporary Board Reorganization: The June, 2019 meeting of the Zoning Hearing Board was the first meeting of the Board held in 2019. However, only two members of the Board were available to attend the meeting: ZHB Member Roger Powl and ZHB Alternate Member Eric Kopp. Accordingly, the attending members elected to proceed with only a temporary reorganization of the Board for one meeting only, pending attendance of a quorum of the regular Board members at a future meeting. Roger Powl was elected temporary Chair for the conduct of the June, 2019 meeting by unanimous vote of the Board members in attendance. Roger Powl accordingly presided.

The following matter was heard and oral decision rendered or other action taken:

I. Application of Craig Rothstein

- A. The Board heard a request from Craig Rothstein for a special exception to establish a laundromat at the property located at 114-116 South Market Street, Elizabethtown Borough, Pennsylvania ("Property").
 1. The Property is located in the CBD Zoning District. The first floor of the Property was previously occupied by a hair salon, with two residential rental units on the upper floors. The first floor of the Property is currently vacant, and the Applicant proposes to establish a laundromat use on the first floor.
 2. The parties to the hearing were the Applicant and Elizabethtown Borough. There were no additional attendees that requested party status.
 3. The Applicant presented testimony from Craig Rothstein, the property owner and Applicant. The Special Exception Application submitted by Mr. Rothstein was marked as Board Exhibit "2". A supplemental letter submitted by Mr. Rothstein to Elizabethtown Borough in advance of the zoning hearing regarding the water and EDU usage for the proposed laundromat was marked as Board Exhibit "3". The Applicant did not introduce any additional exhibits during the course of the hearing.
 4. Mr. Rothstein presented the following sworn testimony:
 - A. Mr. Rothstein acquired the Property on December 27, 2018. The first floor of the Property which previously housed a hair salon, is now vacant.
 - B. Upon acquisition of the Property, Mr. Rothstein renovated the two residential apartment units located on the upper floors of the Property, and has placed residential tenants in these units.

- C. The Applicant proposes to install eleven (11) electric washers in the first floor commercial space and six (6) gas-powered double dryers. A schematic of the layout for the first floor proposed laundromat was included as part of the Application.
 - D. There is a parking area at the rear of the Property, with twelve (12) parking spaces. Four (4) parking spaces have been reserved for the residential tenant use in the two (2) residential apartment units in the building; the remaining eight (8) spaces are available to be used by laundromat patrons.
 - E. The laundromat can be accessed either through the front door facing South Market Street, or through a rear door from the parking area.
 - F. The Applicant proposes to operate the laundromat from 6 a.m. to 10 p.m., seven (7) days per week. There are no current planned employees, although the Applicant may consider hiring a part-time employee at some point in the future.
 - G. The Applicant believes that the proposed use is in harmony with the existing uses in the neighborhood and the zoning district, and is consistent with the permitted and special exception uses provided for in the CBD District in the Ordinance.
 - H. The residential tenants have a separate access to the residential units on the upper floor of the Property.
 - I. In the Application, the Applicant indicated that he intends to install new flooring, paint the interior, as well as generally modernize the commercial space.
 - J. The Applicant provided, via Board Exhibit "3", an estimate of the gallons of water likely to be used by the laundromat during a thirty-four (34) day period; this information was obtained from a similar size laundromat.
5. The proposed laundromat use is permitted in the CBD Zoning District by special exception, pursuant to §903.E of the Ordinance. There are no specific, objective criteria set forth in the supplemental regulations of the Zoning Ordinance for the laundromat use.
 6. Pamela Craddock, Elizabethtown Borough Planning and Zoning Officer, testified that the Property was posted in advance of the hearing, and notice of the hearing was published and mailed to adjoining property owners. The proof of publication, proof of posting, and copies of correspondence to adjoining property owners were collectively marked as Board Exhibit "1".
 7. Pamela Craddock testified that the Borough did not take a position either in favor of, or in opposition to, the Zoning Application. However, Ms. Craddock testified that, if the Zoning Hearing Board were to grant approval of the Application, the Borough requested that certain conditions be imposed on the approval. Ms. Craddock provided a list of six proposed conditions suggested by the Borough.

8. A copy of the proposed Borough conditions were provided to the Applicant. The Applicant reviewed the conditions, and acknowledged on the record that the Applicant did not object to the imposition of the Borough proposed conditions, should the Application be approved by the Zoning Hearing Board.

Following the close of testimony, the Board deliberated in Executive Session. Following the Executive Session, the meeting was reconvened, and the following Motion was made and acted upon:

1. A motion was made to approve the special exception as set forth in the Application, and as described in the Applicant's testimony and exhibits, conditioned upon the following:
 - A. The Applicant shall obtain all permits and approvals required by Borough Ordinances including, but not limited to, the Zoning Ordinance and the Uniform Construction Code.
 - B. The Applicant shall make improvements to the rear parking lot on the property and provide designated parking spaces for use by the customers of the laundromat. Improvements shall include painting parking space lines in the lot.
 - C. Prior to the issuance of a permit to authorize construction on the property, the Applicant shall pay tapping fees for two sewer EDUs to the Borough and shall provide evidence that it has paid all tapping fees required by Elizabethtown Area Water Authority.
 - D. Prior to the issuance of a permit to authorize construction on the property, the Applicant shall provide documentation from a licensed engineer that the existing sewer pipe will provide sufficient capacity for the proposed number of washer units. If the existing pipe is insufficient, the Applicant shall, at their cost, install new sewer pipe that will meet the needs of the new use.
 - E. Prior to the issuance of a permit to authorize construction on the property, the Applicant shall provide Elizabethtown Borough with Evidence from the Elizabethtown Area Water Authority documenting that the water line servicing the property will provide sufficient capacity for the proposed use.
 - F. The Applicant shall be required to obtain all necessary permits for use and occupancy of the property, including any federal, state or municipal permits, certificates of occupancy, or other permitting which may be required for the Applicant to utilize the property as requested.

G. The special exception granted herein shall be subject to all testimony, exhibits and evidence presented by the Applicant at the hearing.

The Motion was unanimously approved by the Zoning Hearing Board.

At the conclusion of the Hearing, the meeting was adjourned.

Respectfully submitted,

Pamela Craddock
Elizabethtown Borough
Planning and Zoning Director