



# Citizen's Guide to the Conditional Use Hearing

## Application Z-2025-11: Lees Lane Warehouse Proposal

**Hearing Date:** Thursday, October 2nd, 2025 at 6pm

**Location:** Hellam Township Municipal Building, 35 Walnut Springs Rd, York, PA 17406

**Current Status:** On September 11, 2025, the Hellam Township Planning Commission reviewed Application Z-2025-11 for a proposed warehouse and voted 3-3, resulting in no formal recommendation. The application now proceeds to a **public conditional use hearing** before the Board of Supervisors (BOS) for a final decision.

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## Understanding the Conditional Use Process

A **conditional use hearing** evaluates whether a proposed use complies with the Hellam Township Zoning Ordinance. This is **not** a review of detailed site plans, which occurs later in the **land development plan** phase. The BOS acts as a **quasi-judicial body**, making decisions based on legal standards and evidence, not opinions or public pressure.

## Key Points

- **What is a Conditional Use?** A use allowed in a zoning district, subject to specific criteria in the zoning ordinance. The proposed warehouse is permitted in this district if it meets standards in §490-87 (Warehousing).
- **BOS Role:** The BOS must approve the application if it meets ordinance criteria. Denials require credible evidence of noncompliance or harm.
- **Planning Commission Role:** Provides advisory recommendations, but the BOS makes the final decision.
- **Legal Constraints:** Per the Pennsylvania Municipalities Planning Code (MPC) and court rulings (e.g., Hovnanian v. Newtown Township, 2010), the BOS cannot deny applications based on subjective preferences or new rules not in the ordinance.

## Conditional Use vs. Land Development Plan

- **Conditional Use Hearing:** Assesses compliance with zoning criteria (e.g., traffic, noise, stormwater). Detailed plans are not required.
  - **Land Development Plan:** If approved, the applicant submits detailed designs (e.g., site layout, landscaping) for further review and public input.
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## How to Participate in the Hearing

Residents may provide comments or testimony at the public hearing. Effective input must be **specific, evidence-based**, and tied to ordinance criteria. General complaints (e.g., “I don’t like it”) are not legally valid.

## Acceptable Objections (Per Pennsylvania Courts)

Courts, including *Hovnanian v. Newtown Township* (2010) and *In re Appeal of McGinnis* (1992), require objections to:

- **Be Specific and Credible:** Provide data or expert testimony (e.g., traffic studies showing congestion).
- **Demonstrate Tangible Harm:** Show substantial impacts on public health, safety, or welfare (e.g., environmental damage).
- **Avoid Subjective Complaints:** Statements like “it will lower property values” need evidence (e.g., a professional appraisal).
- **Address Ordinance Criteria:** Focus on standards like:
  - Traffic: Will the use cause unsafe congestion?
  - Noise: Will operations exceed permitted levels?
  - Lighting: Will glare or light pollution affect neighbors?
  - Stormwater: Will runoff harm properties or waterways?
  - Buffering: Are adequate screens proposed?
  - Hours of Operation: Will they disrupt the community?

## Tips for Effective Testimony

- **Prepare Evidence:** Bring studies, data, or expert opinions.
  - **Be Specific:** Reference ordinance sections (e.g., §490-87).
  - **Stay Focused:** Avoid emotional or off-topic comments.
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## What Happens Next?

1. **Hearing Outcome:**
    - **Approval:** If criteria are met, the BOS must approve, possibly with conditions (e.g., restricted hours).
    - **Denial:** Requires evidence of noncompliance or harm. Applicants may appeal to the Court of Common Pleas.
  2. **Land Development Plan Phase:** If approved, detailed plans are submitted for review, offering further opportunities for public input.
  3. **Appeals:** Residents may appeal an approval to the Court of Common Pleas within 30 days (legal counsel recommended).
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## Shaping Future Development

The current zoning ordinance, shaped by past township decisions, allows warehouses in this district. To influence future development, engage early in planning processes.

### Key Points

- **Comprehensive Plan:** Guides township growth. Participate in updates (every ~10 years) to set priorities.
- **Zoning Ordinances:** Implement the Comprehensive Plan. Changes require public hearings.
- **Past Boards' Impact:** Current BOS is bound by existing ordinances and cannot arbitrarily block permitted uses.
- **Proactive Planning:** Engage early to shape ordinances and prevent unwanted development.

### Get Involved

- **Join the Planning Commission:** Volunteer to serve or assist with projects.
  - **Participate in Plan Updates:** Attend meetings to influence the Comprehensive Plan.
  - **Monitor Ordinances:** Comment at hearings on zoning changes.
  - **Attend BOS Meetings:** Raise concerns about development trends.
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## References

- **Hellam Township Zoning Ordinance:**
  - §490-152: Conditional Use Process
  - §490-87: Warehousing Standards
- **Pennsylvania Municipalities Planning Code (MPC):**
  - §908: Hearings
  - §913.2: Conditional Uses
- **Court Case:** Hovnanian v. Newtown Township (2010): BOS decisions must follow ordinance criteria.  
**Link:** <https://caselaw.findlaw.com/court/pa-commonwealth-court/1461726.html>
- **Resources:** Scan the QR code or visit <https://linktr.ee/hellamtownship>.

