

Minutes

Conewago Township Zoning Hearing Board

January 7th, 2015

Mr. Michael Sabaka, Chairman, Conewago Township Zoning Hearing Board (ZHB), called the 2015 Organizational Meeting to order at 7:00 PM after establishing that a quorum was present: Zoning and Code Enforcement Officer, David Arndt, Solicitor Harold Eastman, Michael Sabaka, Dennis Kacmarczyk, Ray Presley, and Richard Fogle. Absent for the meeting was Donald Baker. The meeting began with a reading of the ZHB minutes for March 5th, 2014, the ZHB's last meeting. Mr. Ray Presley moved that the minutes be approved as written. Mr. Kacmarczyk seconded the motion; and the board approved with a vote of 4 for and none against.

The slate of candidates for the 2015 ZHB Officers were:

Chairman: - Mr. Sabaka, Mr. Kacmarczyk made the motion, Mr. Presley seconded

Vice-Chairman: – Mr. Kacmarczyk, Mr. Presley made the motion, Mr. Fogle seconded

Secretary: Mr. Baker, Mr. Kacmarczyk made the motion, Mr. Fogle seconded

Votes – January 7th, 2015

Mr. Michael Sabaka for Chairman: Approved with 4-0 vote

Michael Sabaka– Favor Motion

Dennis Kacmarczyk – Favor Motion

Ray Presley – Favor Motion

Richard Fogle – Favor Motion

Mr. Dennis Kacmarczyk for Vice-Chairman: Approved with 4-0 vote

Michael Sabaka – Favor Motion

Dennis Kacmarczyk – Favor Motion

Ray Presley – Favor Motion

Richard Fogle – Favor Motion

Mr. Don Baker for Secretary: Approved with 4-0 vote

Michael Sabaka – Favor Motion

Dennis Kacmarczyk – Favor Motion

Ray Presley – Favor Motion

Richard Fogle – Favor Motion

Upon conclusion of the organization meeting, the ZHB prepared to hear Case #2-2015.

Sworn in for the purpose of testifying were Stan Plank and Jay Van Arsdale.

Case #2-2015, this application is requesting a Special Exception per Section 155-162 of Conewago Township Zoning Ordinance to an existing detached garage that is a nonconformity. The building will be used for storage.

A move to grant the Special Exception was made by Mr. Kacmarczyk and seconded by Mr. Presley and was granted by a vote of 4 to 0 at 7:10 PM.

Michael Sabaka – Favor Motion

Dennis Kacmarczyk – Favor Motion

Ray Presley – Favor Motion

Richard Fogle – Favor Motion

Sworn in for the purpose of testifying were Matt Burtuer, Eric Bringe, and Shawn Paul.

Case #1-2015, the Applicant requested a special exception pursuant to Section 155-22.C(5) of the Conewago Township Zoning Ordinance (the "Zoning Ordinance") to permit the construction and operation of the Facility on the Property in the I-Industrial Zone. At the hearing, the Applicant presented testimony and other evidence demonstrating compliance with the specific requirements for communications antennas, towers and equipment contained in Section 155-86 of the Zoning Ordinance.

The Applicant also requested certain variances so as to permit the proposed Facility. First, the Applicant requested a dimensional variance from Section 155-86.F of the Zoning Ordinance so as to permit the proposed monopole to be located less than a distance equal to its height plus fifty (50') feet (i.e. 165') from the two (2) nearest property lines. Second, the Applicant requested a dimensional variance from Section 155-86.F(1) of the Zoning Ordinance so as to permit the proposed monopole to be located less than five hundred (500') feet (i.e. 120') from land in the R-1 Zone, containing the Hanover Area Regional Wastewater Treatment Plant, an industrial operation. The third dimensional variance is from Section 155-86.F(2) of the Zoning Ordinance so as to permit the proposed monopole to be located less than five hundred (500') feet (i.e. 423') from the nearest property line of an existing residence, owned by Frederick J. Wilke (i.e. the Property owner's husband). The fourth variance is from Section 155-86.0 of the Zoning Ordinance, if necessary, so as to permit landscaping on three (3) sides of the fenced compound, as the fourth side is bounded by an existing, on-site building. The Applicant also requested a variance from Section 155-82.E of the Zoning Ordinance so as to permit barbed wire on the fencing surrounding the compound, to ensure unauthorized access and safety. Next, the Applicant requested a variance from Section 155-29 of the Zoning Ordinance so as to permit the proposed Facility as a second principal use on the Property without the lease area meeting all of the lot area, yard and other requirements as though the Facility was located on an individual lot. Finally, the Applicant

requested relief from Section 155-173.M(2)(a) of the Zoning Ordinance to extend the time frame to submit a land development plan to not more than twenty-four (24) months, so as to provide adequate time for the Applicant to work through any unforeseen network and system related logistical and operational issues that may arise.

At 8:30 PM, after hearing all testimony, exhibits A1-A12, and discussion, the meeting was adjourned to Executive Session.

Meeting called back to order at 8:42 PM. A move to grant the Special Exception, all variances requested in application and the extension to submit a Land Development Plan from 12 to 24 months was made by Mr. Kacmarczyk and Seconded by Mr. Fogle. The motion was granted by a vote of 4 to 0.

Michael Sabaka – Favor Motion

Dennis Kacmarczyk – Favor Motion

Ray Presley – Favor Motion

Richard Fogle – Favor Motion

Old Business: None

New Business: None

There being no other items for discussion, Mr. Fogle made a motion to adjourn, Mr. Presley seconded. This session of the Conewago Township Zoning Hearing Board was adjourned at approximately 8:46 PM.

Respectfully submitted



Dennis Kacmarczyk