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Conewago Township Zoning Hearing Board

Minutes of Meeting held on June 5, 2019 (Case No. 3-2019)

At 6:00 p.m. Dennis Kacmarczyk, Chairman, Conewago Township Zoning Hearing Board, stating that a quorum of the Zoning Hearing Board was present, called the meeting to order. The following members of the Zoning Hearing Board were present: Dennis Kacmarczyk, Chairman; James E. Finecey, Vice Chairman; Gerald M. Lippy; and George E. Tavares, Secretary. Also present were: David W. Arndt, Jr., Conewago Township Zoning/Code Enforcement Officer; Barbara Krebs, Township Manager; Linda C. Larson, Stenographer; and Harold A. Eastman, Jr., solicitor for the Zoning Hearing Board. The Chairman then announced that anyone present should provide his or her information on the Attendance Sheet for the meeting.

The Zoning Hearing Board unanimously approved the minutes from its meeting held on March 6, 2019 at which zoning hearings were conducted in Case No. 1-2019 and in Case No. 2-2019.

The Chairman announced that the matter before the Zoning Hearing Board was Case No. 3-2019 on the Application to the Zoning Hearing Board, filed on May 6, 2019, by and on behalf of Conewago Contractors, Inc., the Applicant/Appellant. Pursuant to the Application to the Zoning Hearing Board, the Applicant/Appellant was requesting a hearing on an appeal from a determination of the Zoning Officer in connection with the interpretation of the provisions of subsections 155-129.D. and 155-135.F. of the Zoning Ordinance relative to the criteria, restrictions and requirements for a truck or motor freight terminals special exception use or for a warehousing and wholesale trade establishments special exception use that a subject property be located no closer than 500 feet to any R-1, R-2, R-3, MU and VC Zone. The Applicant/Appellant was also making a substantive challenge to the validity of the aforesaid provisions of the Zoning Ordinance. The subject real property is owned by Blettner Avenue Limited Partners and is located in the Township's Industrial Zone (I) and is identified by street address as 293 Blettner Avenue, Hanover, Conewago Township, Adams County, Pennsylvania and as Adams County Tax Map/Parcel No.: 08K15-0007-000.

David W. Arndt, Jr., Zoning/Code Enforcement Officer, was sworn in and provided his statement and the background on the matter to the Zoning Hearing Board. Subsequently, the following motion was made and unanimously approved by the Zoning Hearing Board:

A motion to approve and to grant a continuance of the hearing in Case No. 3-2019 consistent with the request and consent of Conewago Contractors, Inc., the Applicant/Appellant, as confirmed in a certain letter dated June 3, 2019 from John M. Coles, Esquire, of Barley Snyder, the attorneys representing the Applicant/Appellant. The aforesaid letter of June 3, 2019 is accepted by the Zoning Hearing Board as a written agreement to an extension of time of the sixty (60) day requirement for the commencement of the first hearing from the date of receipt by Conewago Township of the Application to the Zoning Hearing Board on May 6, 2019 pursuant to section 155-173.C. and section 155-174.A.(3) of the Conewago Township Zoning Ordinance and pursuant to section 908(1.2) and section 916.1(d) of the Pennsylvania Municipalities Planning Code.

The Chairman, upon determining that there was no further business before the Zoning Hearing Board, entertained a motion for adjournment, and the meeting was adjourned at 6:23 p.m.

Immediately following the adjournment of the public meeting, the Zoning Hearing Board held an executive session to meet with its solicitor in order to discuss the appeal of the Board's decision entered in Case No. 2-2019, filed by Nickolas and Natalie Kraus on May 15, 2019 in the Court of Common Pleas of Adams County to Docket No. 2019-SU-578. The Board's executive session was adjourned at 6:45 p.m.

Respectfully submitted,

George E. Tavares

George E. Tavares, Secretary, Conewago Township Zoning Hearing Board