

Conewago Township, York Co., PA

Zoning Hearing Board Minutes - March 11, 2019

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance. Board members present were Dave Zambito, Margaret Burg, Jesse Coy and Rob Fogle. Attorney John Herrold and Zoning Officer Albert "Fritz" Neufeld were also present. Chairperson, Sharon Beck was absent due to illness. Vice Chairman Dave Zambito was in charge of the meeting.

Reorganization of the Board – A motion by Jesse Coy to retain the members in the offices which they currently serve was seconded by Margaret Burg and approved by a vote 4-0. The officers for 2019 are Chairperson, Sharon Beck; Vice Chairman, Dave Zambito and Secretary, Margaret Burg.

The minutes of the November 13, 2018 meeting of the ZHB were approved as distributed on a motion by Jesse Coy and second by Margaret Burg.

Old Business: Due to the number of cases for the Board to hear, the Board decided not to hear the old and new business cases in numerical order so that the cases with less testimony and witnesses could be decided first and those applicants would not have to wait.

Case No. 05-2018 David Krulac - See below, page 2.

New Business:

Case No. 04-2019 Gregory Snell – Request for a Variance to exceed the height requirement in Section 308.f of 35 feet by approximately 5 feet. The property is located at 555 Green Spring Rd., York, PA 17404. Mr. Snell appearing. Mr. Snell is erecting a timber frame barn (Pennsylvania Bank Barn) as a home on his property. Due to the style of the bank barn it will exceed the height as required by the Zoning Ordinance. The home will be 40 feet from roof peak to the lowest grade of the walk-out basement.

Motion by Jesse Coy to approve the request for a Variance, second by Margaret Burg, motion passed by a vote of 4-0.

Case No. 01-2019 Megan Sterner – Cellco Partnership d/b/a Verizon Wireless. Request for a Special Exception and three Variances for a communication tower on property located at 725 Locust Point Rd., York, PA 17406. Sterner represented by James Strong, Esq. Testimony given by Andrew Miller, Andrew Petersohn and Vincent Rissler.

Special Exception – Section 307.c.7 – Motion by Jesse Coy to approve the request for a Special Exception to allow a Communication Tower in an Industrial Zone on the property located at 725 Locust Point Rd. Motion approved by a vote of 4-0.

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Variance 1 – Section 618.f – A dimensional variance to permit the tower to be placed less than 155 feet from the nearest property line. Motion to approve by Jesse Coy and second Rob Fogle, motion approved by a vote of 4-0.

Variance 2 – Section 418 – Variance waiving dedicated street requirement. Motion to approve by Jesse Coy, second Margaret Burg, motion approved by a vote of 4-0.

Variance 3 – Sections 503a and 504a – Variance waiving 6 month expiration of the granted Special Exception and Variances. Motion to approve by Jesse Coy, second Rob Fogle, motion approved by a vote of 4-0.

Case No. 05-2019 Megan Sterner – Request for a Special Exception for a Caretaker's/Watchmen's dwelling, Section 307.c and Section 612 for the property at 725 Locust Point Rd., York, PA 17406. Zoning on this property was changed from Agricultural to Industrial which affected the used of the property. This Special Exception will allow for a Caretaker's/Watchmen's dwelling attached to the Contractor Facility. Motion to approve the Special Exception by Jesse Coy, second Rob Fogle. Motion approve by a vote of 4-0.

Case No. 05-2018 David Krulac - Request for a Variance of Flood Plain Ordinance #351, Sections 501.d, 503.a.1, 506.a to place a Manufactured Home Park in a Flood Zone. Property is located on Jimmy's Dr. and Susquehanna Trail. James Strong, Esq. appearing on behalf of Mr. Krulac. John Murphy and David Krulac testifying.

Following extensive discussion pertaining to Flood Ordinance, the Board met in an Executive Session. After the Executive Session the requests for Variances were decided as follows:

Re: 503.a.1- Margaret Burg made the motion to deny the Variance. Rob Fogle seconded the motion. Vote recorded 3 – 1, to carry the motion. Vice Chairman Zambito casting the no vote.

Re: 506.a – Margaret Burg made the motion to deny the Variance. Jesse Coy seconded the motion. Vote recorded 3 – 1, to carry the motion. Vice Chairman Zambito casting the no vote.

Re: 501.d – Margaret Burg made the motion to deny the Variance. Rob Fogle seconded the motion. Vote recorded 3 – 1 to carry the motion. Vice Chairman Zambito casting the no vote.

Case 02- 2019 David Krulac – Request for a Variance extension of time under Sections 503.a and 504.a. Following discussion, Jesse Coy made the motion to grant the request for a one year extension of time. Dave Zambito seconded the motion. Vote recorded 3 – 1 to carry the motion. Margaret Burg casting the no vote.

Case No. 03-2019 Rexroth Farms – Request for a Special Exception to develop a Solar Electric Generating/Transmission Farm, Section 308.c.15 of the Zoning Ordinance on property located at 570 and 1940 Bowers Bridge Rd., Manchester, PA. The Special Exception is necessary because Solar Farming is not provided for in the Zoning Ordinance #322.

Dave Jones, Esq., Stock and Leader, appearing for the Applicant. Sworn in to testify were David Capparelli, Jim Rexroth, Troy Zirkle and Eric Steadman.

The property is 500 acres, existing vegetation will not be disturbed, there will be no emissions, sound or glare from the solar panels. The lease on the property is for 50 years and at the end of the lease the farm land can be restored.

Mr. Steadman expressed concern about the use of the road into the site.

Mr. Zirkle expressed concern about the fencing that would be placed along his property which is a working farm. He would like at least a 5 foot setback so that he can manage weed control and prefers to not have any vegetation planted along his property. Mr. Rexroth and Mr. Zirkle will work out the particulars.

Jesse Coy made the motion to approve the request for a Special Exception according to Section 308.c.15 of the Zoning Ordinance subject to the condition that fencing of the Solar Generating/Transmission Farm be set back along the Zirkle property, 5 feet or such greater distance agreed to by Mr. Zirkle and the Applicant and further to waive the vegetation requirement along the Zirkle property. Rob Fogle seconded the motion and the motion carried by a vote of 4 – 0.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Margaret L. Burg

Margaret L. Burg, Secretary