

The regular meeting of the East Hempfield Township Zoning Hearing Board (ZHB) was held on Monday, February 18, 2019 at 7:00 p.m. at the Four Seasons Banquet Hall, 949 Church St, Landisville, PA. Members present were Elam Herr, Mark Hansen, Greg Kile and John Bingham. Also present were Attorney William Crosswell, Zoning Officer Colin Siesholtz and a court reporter.

The meeting was called to order at 7:01 p.m. by Chairman, Mr. Herr, who led the Pledge of Allegiance.

The first order of business was the 2019 reorganization of the ZHB. Mr. Hansen made a motion to retain Elam Herr as Chairman, Mark Hansen as Vice-Chairman, and Andrew Loose as Secretary.

The motion was seconded by Mr. Kile, which carried 4-0.

Mr. Hansen made a motion to retain William Crosswell and the firm of Morgan, Hallgren, Crosswell, & Kane, P.C. as legal counsel to the Zoning Hearing Board.

The motion was seconded by Mr. Bingham, which carried 4-0.

Mr. Kile made a motion to approve the December 12, 2018 minutes. The motion was seconded by Mr. Hansen, which carried 3-0-1. Mr. Bingham abstained due to absence.

Old Business:

New Business:

Case No. 2398: Levi E. Stoltzfus Jr. filed an application seeking a variance to the noncommercial keeping of livestock density and housing structure setback requirements for the property located at 3042 Shenck Road, located within the Agriculture Zone.

Dr Richard Szarko of 2512 Shenck Rd Manheim Pa filed a continuance request for ZHB Case No. 2398. Dr. Richard Szarko is an adjacent property owner to the property at 3042 Shenck Rd.

Present for the applicant was Levi Stoltzfus, property owner and attorney James Clymer, Clymer Conrad, PC.

Attorney Mike Reed of Mette, Evans & Woodside was present on behalf of the protestant Dr. Richard Szarko.

Mr. Hansen made a motion to deny the continuance request of Dr. Richard Szarko in Case No. 2398. The request was seconded which carried 4-0.

Case No. 2397: T-Mobile Northeast, LLC and The Sports Complex, L.P. filed an application seeking a special exception to allow the installation and operation of a communication antenna and tower facility on the property located at 2913 Spooky Nook Road, located within the Enterprise Zone.

Present for the applicants were: Michael S. Grab of Nikolaus & Hohenadel, LLP and Deborah Baker, Site Acquisition Specialist for T-Mobile.

The applicant wishes to amend the application in Case No. 2397 as follows:

- Nature of Request and Applicable Section No. change 270-5.1.Q.3 to 270-5.2.Q.3.

The applicant wishes to enter the following into evidence:

- Exhibit 1 - Site Lease Agreement
- Exhibit 2 - Photos
- Exhibit 3 - FAA Approval
- Exhibit 4 - Frequency Coverage

The applicant wishes to enter Mr. Archie Dickson and Mr. Andrew Miller as expert witnesses.

Mr. Hansen made a motion to amend the application in Case No. 2397 as follows

- Nature of Request and Applicable Section No. change 270-5.1.Q.3 to 270-5.2.Q.3.
- Exhibit 2, Page 2 - Change to Spooky Nook Rd

The motion was seconded by Mr. Bingham, which carried 4-0.

The ZHB took administrative notice of Case No. 2292 and admitted into evidence the following:

- Exhibit 1 - Site Lease Agreement
- Exhibit 2 - Photos
- Exhibit 3 - FAA Approval
- Exhibit 4 - Frequency Coverage

Mr. Hansen made a motion to grant the special exception request in Case No. 2397 to section 270-3.12B and 270-5.2Q3 to allow a communication antennae and tower for the property located at 2913 Spooky Nook Rd.

Subject to the following conditions:

1. The monopole (including the lighting rod and attached antennas) shall not exceed 105 feet in height.
2. Applicants shall comply with the provisions of Section 270-5.2Q(3) of the Zoning Ordinance governing communication towers.
3. Prior to construction of the Facility, Applicants shall submit to the township evidence of compliance with Section 270-5.2Q(3)(e) of the Zoning Ordinance relating to the requirements of the Federal Aviation Administration and the Federal Communications Commission.
4. T-Mobile and Landowner shall submit a plan for removal of the communication tower and the communication antennas in accordance with Section 270-5.2Q(3)(n) of the Zoning Ordinance. If required by the Township, T-Mobile and Landowner shall provide financial security to the Township to guarantee compliance with condition.
5. Applicants shall remove the existing lattice tower within one (1) month of the installation of the new monopole.
6. Because the Application involves the replacement of an existing lattice tower with a monopole which will be more visible than the existing lattice tower, the Applicants shall not increase the height of the proposed monopole without approval of the Board.
7. Applicants shall comply with all other applicable local, county, state, and federal laws, ordinances and regulations.
8. Applicants shall at all times comply with and adhere to the representations contained in their Application, as amended, and the evidence presented to the Board at the hearing held on February 18, 2019.
9. All conditions imposed by the Board shall be referenced as Plan Notes on all final subdivision and/or land development plans hereafter recorded for the Property or any phase or part thereof.

10. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Zoning Ordinance and the MPC.
11. The foregoing Decision shall be binding upon T-Mobile and the Landowner and their respective successors and assigns.

The motion was seconded by Mr. Kile, which carried 4-0 in favor.

Case No. 2398: Levi E. Stoltzfus Jr. filed an application seeking a variance to the noncommercial keeping of livestock density and housing structure setback requirements for the property located at 3042 Shenck Road, located within the Agriculture Zone.

Present for the applicant was Levi Stoltzfus, property owner and attorney James Clymer, Clymer Conrad, PC.

Attorney Mike Reed of Mette, Evans & Woodside was present on behalf of the protestant Dr. Richard Szarko.

An Entry of Appearance form was submitted on behalf of Dr. Richard Szarko by Attorney Mike Reed. The ZHB voted unanimously to grant party status to Dr. Richard Szarko.

The applicant wishes to amend the application in Case No. 2398 as follows:

- Change barn size from 20' by 30' to 28' by 34'.

The protestant wishes to enter the following into evidence:

- Exhibit 1 - Affidavit
- Exhibit 2 - Google Earth Map of 3042 Shenck Rd

The ZHB admits into evidence the following:

- Exhibit 1 - Affidavit
- Exhibit 2 - Google Earth Map of 3042 Shenck Rd

The ZHB requests the applicant submit additional information by March 4th to the ZHB.

Mr. Hansen made a motion in Case No. 2398 to continue the case to the March 18th ZHB meeting. The motion was seconded by Mr. Bingham, which carried 4-0.

The meeting adjourned at 10:40 P.M.