

Conewago Township Zoning Hearing Board

Minutes of Meeting held on: Wednesday, Sept. 29, 2021 Time: 6:00pm

Case Number 3-2021 & Case Number 4-2021

Meeting called to order at 6:00pm by Chairman Dennis Kacmarczyk.

Meeting began with the Pledge of Allegiance to the Flag.

In attendance were board members:

Dennis Kacmarczyk – Chairman

James Finecey – Vice Chairman

Gerald Lippy

George Weih - Secretary

It was determined that a quorum was present.

Also in attendance were:

David W. Arndt, Jr. – Conewago Township Zoning & Code Enforcement Officer

Harold A. Eastman, Jr. Esq. – Zoning Hearing Board Solicitor

Matt Teeter, Esq. – As an alternate ZHB Solicitor for Case Number 3=2021

Corrie Ondrizek – Stenographer

There were nine people in the audience.

Minutes from the February 6, 2021 meeting were approved as written. Approval vote: 4 – 0

Chairman Kacmarczyk called for all who intend to provide testimony during the meeting to sign the attendance sheet and then swore them in.

Case #3-2021

Chairman Kacmarczyk opened the hearing for Zoning Hearing Board Case #3-2021 pertaining to a request for variance relief from Section 155-91.C of the Zoning Ordinance of Conewago Township.

Harold Eastman, the Zoning Hearing Board Solicitor, explained to the Board and the attendees that Matt Teeter, Esq., of the Teeter Law Offices in Gettysburg, would fill the role of Solicitor for Case #3-2021 because of a conflict of interest with the attorney for the applicant, who works for the same Law Firm as Mr. Eastman.

Zoning and Code Enforcement Officer David W. Arndt, Jr. presented the following: The purpose of the zoning hearing in Case No. 3-2021 is to consider an Application to the Zoning Hearing Board filed by the Applicant, GWM Properties of Pennsylvania Company, relative to certain real property identified by street address as 370 Church Street, Hanover, Conewago Twp., Adams Co., PA. The real property, which is located in the Township's Industrial Zone (I) zoning district, is further identified as Adams County Tax Map/Parcel ID No. : 08K14-0037—

000. The Applicant is requesting the grant of a dimensional variance from Section 155-91.C of the Conewago Township Zoning Ordinance to allow the exterior display of retail equipment with a proposed setback of 30 feet from the adjoining street line of Church Street (S.R. 2011).

Chairman Kacmarczyk called for testimony from the applicant. Chris Naylor, attorney for the Applicant, GWM Properties of Pennsylvania, presented as Exhibit #1 the owners Approval of Representation for Mr. Naylor. He then presented his arguments for the approval of the requested variance for the display of retail equipment with a 30 foot setback. Mr. Gary Knisley, Vice President of GWM Properties of Pennsylvania, gave testimony by answering questions presented by Mr. Naylor. Mr. Knisley presented as Exhibit #2, a copy of the Application to the Zoning Hearing Board for the variance requested. Mr. Knisley also presented a review of the site plan submitted with the application for the variance, explaining why the variance should be granted.

Chairman Kacmarczyk called for any objector's testimony. Joni Swope presented her objections to the granting of a setback variance. She then presented as Exhibit #3, a letter dated August 21, 2021 written by Nick and Natalie Kraus objecting to the granting of the requested variance. Mr. Naylor objected to the presentation of the letter as hearsay because the letter writers were not present at the hearing. Natalie Kraus stated she was present.

Chairman Kacmarczyk opened the hearing to Township questions. Dave Arndt had several questions about the setback requested and the surface area where the displayed equipment would sit.

Chairman Kacmarczyk opened the hearing to questions from the Board. The Board had several questions about the proposed display area and the exact hardship on the property.

Chairman Kacmarczyk opened the hearing to questions from the objectors. Joni Swope and Natalie Kraus had several questions for the Applicant.

Chairman Kacmarczyk called for any questions from the Board for the objectors. (none)

Chairman Kacmarczyk asked for any concluding remarks from the Applicant. Mr. Naylor gave concluding remarks including: testimony about the rectangular shape of the property, how the property cannot be developed as approved in a previous exception granted on the property, the hardship was not created by the applicant, the variance would not alter the character of the zone, the relief requested is the minimum relief, the setback relief is not unusual in the Industrial Zone and the display is permitted.

Chairman Kacmarczyk asked for any concluding remarks from the Township. (none)

Chairman Kacmarczyk asked for any concluding remarks from objectors. Joni Swope and Natalie Kraus presented their final objections.

The Board Solicitor had several questions for the Applicant about setback lines.

At 6:56pm Chairman Kacmarczyk called for an executive session to review the case.

At 7:38pm Chairman Kacmarczyk reconvened the meeting. Secretary Weih read a Motion to Deny the variance requested. (Vote 4-0)

Secretary Weih made a motion to direct the zoning Hearing Board Solicitor to complete the written decision document. (Vote 4 -0)

The Board Solicitor explained the decision of the Board

A recess was granted to allow the Board Solicitor Harold Eastman to resume his role for case #4-2021

Case #4-2021

The ZHB meeting was reconvened at 7:46pm

Chairman Kacmarczyk opened the hearing for Zoning Hearing Board Case #4-2021 pertaining to a request for a special exception pursuant to sections 155-19(8) and (10) from the Zoning Ordinance of Conewago Township.

Zoning and Code Enforcement Officer David W. Arndt, Jr. presented the following: The purpose of the zoning hearing in Case No.4-2021 is to consider an Application to the Zoning Hearing Board filed by the Applicants, Jen Krouse and Heidi Landry, relative to certain real property identified by street address as 701 Third Street, Hanover, Conewago Twp. , Adams Co., PA. The real property, which is located in the Township's Mixed Use Zone (MU) zoning district, is further identified as Adams County Tax Map/Parcel ID No.: 08008-0069—000. The Applicants are requesting the grant of a special exception pursuant to sections 155-19(8) and (10) of the Conewago Township Zoning Ordinance to authorize a use of the real property for an art studio and craft boutique.

Chairman Kacmarczyk swore in all parties wishing to give testimony.

Chairman Kacmarczyk called for testimony from the applicants. Jen Krouse and Heidi Landry presented the applicants case.

Chairman Kacmarczyk called for any objector's testimony. (None)

Chairman Kacmarczyk opened the hearing to Township questions. Dave Arndt asked several questions concerning hours of operation, days of operation, and number of employees.

Chairman Kacmarczyk opened the hearing to questions from the Board. The board had questions about the nature of the art studio, parking, and the ages of their clients. There was also a question about the purchase of the property

Chairman Kacmarczyk opened the hearing to any objector's questions. (none)

Chairman Kacmarczyk opened the hearing for the Zoning Officer's questions. Dave Arndt stated this is a low volume use and a good utilization of the property.

Chairman Kacmarczyk asked for any concluding remarks. The applicant gave testimony about their contributions to the wellbeing of the community.

The Board Solicitor asked about adjoining properties, property values, and the character of the neighborhood.

At 8:02pm Chairman Kacmarczyk called for an executive session to review the case.

At 8:07pm Chairman Kacmarczyk reconvened the meeting. Secretary Weih read a Motion to approve the variance requested. (Vote 4-0)

Secretary Weih read a motion to direct the zoning Hearing Board Solicitor to complete the written decision document. (Vote 4-0)

Chairman Kacmarczyk called for any unfinished business. (none)

Chairman Kacmarczyk called for any new business. Dave Arndt said there will be no meeting in October. In November there are two cases to be heard.

1. Randy's Garage is requesting a use variance for auto repair.
2. Rent Containers is asking to eliminate some parking spaces

Harold Eastman notified the Board he received a letter regarding the Racehorse Road, LLC - Substantive Validity Challenge, to waive the 60-day time period, to allow the first hearing to be held on or before December 1,2021

The hearing was adjourned at 8:20pm.(vote 4-0)

Respectfully submitted,



George Weih, Secretary, Conewago Township Zoning Hearing Board