

Conewago Township Zoning Hearing Board

Minutes of Meeting held on: Wednesday, April 6, 2022 Time: 6:00pm

Case Numbers 2-2022 and 3-2022

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

Gerald Lippy

George Weih - Secretary

It was determined that a quorum was present.

Also in attendance were:

David W. Arndt, Jr. - Conewago Township Manager/Zoning Officer

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

Corrie Ondrizek - Stenographer

There were 14 people in the audience.

Minutes from the January 5, 2022 meeting were approved as written. Approval vote: 3-0

Chairman Kacmarczyk called for all who intend to provide testimony during the meeting to sign the attendance sheet.

Chairman Kacmarczyk called for all who intend to provide testimony during the meeting to stand and swore them in.

Chairman Kacmarczyk asked if there were any outstanding cases. There were none.

Chairman Kacmarczyk asked if there were any objectors to tonight's hearing. There were none.

Chairman Kacmarczyk opened the hearing for Zoning Hearing Board Case #2-2022 pertaining to a Special Exception request from Section 155-22.C.(14)

Township Manager/Zoning Officer David W. Arndt, Jr. presented the following:

The purpose of the zoning hearing in Case No. 2-2022 is to consider an Application to the Zoning Hearing Board filed by the Applicant, 293 Blettner Avenue, LLC, relative to certain real property identified by street address as 293 Blettner Avenue, 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.: 08K15-0007-000. The Applicant is requesting the grant of a special exception pursuant to Section 155-22.C.(14) of the Conewago Township Zoning Ordinance to authorize a processing, packaging, bottling, storage and/or wholesaling of food products use of the property.

Chairman Kacmarczyk called for testimony from the applicants.

The Applicant's Attorney, Andrew Stoll, Esq., gave an overview of the Applicant's Application, and called his first witness, Mr. Charles Good, President, 293 Blettner Avenue, LLC.

Mr. Good's testimony included comments about the purchase of the property, the size of the proposed building, the proposed use of the property to process and package snack foods,

the hours of operation, and the assurance that all applicable regulations will be followed. Mr. Good also introduced Mr. Travis Grim, Operations Manager, to the Board.

Mr. Stoll called his second witness, Mr. Brian Seidel, Land Development Planner. Mr. Seidel was recognized as an expert witness in Land Development Planning by the ZHB. Mr. Seidel gave an overview of the proposed land development plan. He explained how all of the requirements for the site are met, that the use is consistent with the surrounding area, and meets all of the Comprehensive Plan requirements.

Mr. Stoll called his third witness, Mr. Paul Fish, Civil Engineer. Mr. Fish, the Project Engineer, was recognized as an expert witness in Civil Engineering and Planning by the ZHB. Mr. Fish gave an overview of the Project Site Plan and testified that all Zoning Requirements are being addressed. Mr. Fish explained the water control systems on the site and said the Environmental Assessments #1 and #2 are already completed.

Mr. Stoll called his fourth witness, Mr. John Schick, Senior Traffic Engineer. Mr. Schick was recognized as an expert witness in Traffic Engineering by the ZHB. Mr. Schick gave an overview of the Traffic Impact Study prepared for this Application. (Project No. 079512027) Mr. Schick testified that the proposed use of the property is in compliance with all traffic regulations and all onsite parking regulations are in compliance.

Mr. Stoll asked to have nine exhibits entered as evidence to the ZHB as follows:

Exhibit #1 – A copy of the completed Application to the ZHB

Exhibit #2 – A Google Earth photo of the site

Exhibit #3 – A rendering of the site showing the completed project

Exhibit #4 – The professional history of Mr. Brian Seidel

Exhibit #5 – A picture of the development site showing nearby buildings and roads

Exhibit #6 – The professional history of Mr. Paul Fish

Exhibit #7 – The Land Development Plan for the Blettner Ave. Snack Food Plant

Exhibit #8 – The professional history of Mr. John Schick

Exhibit #9 – The Blettner Ave. Manufacturing Site Traffic Impact Study

Chairman Kacmarczyk called for any objector's testimony. There was none.

Chairman Kacmarczyk opened the hearing to Township questions. David Arndt Jr., Township Manager/Zoning Officer asked if there had been any updates to the traffic study given to the ZHB this evening. There were none.

Chairman Kacmarczyk opened the hearing to questions from the Board. There were none.

Chairman Kacmarczyk asked for any concluding remarks. Mr. Ronald Knisley, of 336 Blettner Ave. stated he was not an objector but had several comments to present before the Board. His comments included traffic on Blettner Ave., outside storage on the property, the timing of the additional truck traffic, and the wetlands on the property.

At 7:05pm Chairman Kacmarczyk called for an executive session to review the case.

At 7:21pm Chairman Kacmarczyk reconvened the meeting.

Secretary Weih read a motion to grant the Applicant's request for the special exception requested. Vote 3-0

Secretary Weih read a motion to direct the Zoning Hearing Board Solicitor to complete the written decision document. Vote 3-0

Chairman Kacmarczyk called for a short recess before the next Hearing. Time 7:23pm

At 7:30pm Chairman Kacmarczyk reconvened the ZHB for case #3-2022.

Chairman Kacmarczyk called for all who intend to provide testimony during the meeting to sign the attendance sheet.

Chairman Kacmarczyk called for all who intend to provide testimony during the meeting to stand and swore them in.

Chairman Kacmarczyk asked if there were any objectors to tonight's hearing. There were none.

Chairman Kacmarczyk opened the hearing for Zoning Hearing Board Case #3-2022 pertaining to a variance request from Section 155-22.G.(1)

Township Manager/Zoning Officer David W. Arndt, Jr. presented the following:

The purpose of the zoning hearing in Case No. 3-2022 is to consider an Application to the Zoning Hearing Board filed by the Applicant, Utz Quality Foods, LLC, relative to certain real property identified by street address as 101 Kindig Lane, 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.: 08L13-0051A-000. The Applicant is requesting the grant of a variance from the maximum permitted height requirement of Section 155-22.G.(1) of the Zoning Ordinance, to authorize an increase of the maximum permitted building height from 45 feet to not more than 49 feet.

Chairman Kacmarczyk called for testimony from the Applicant.

The Applicant's attorney, James M. Strong, Esq., presented an overview of the site plan and spoke about the need for a dimensional variance from 45ft to 49ft for the peaked roof. Mr. Strong called his first witness, Mr. Paul Fish, Civil Engineer.

Mr. Fish, the Project Engineer, was recognized as an expert witness in Land Development and Planning by the ZHB. Mr. Fish reviewed the Plot Plan labeled "Zoning Exhibit for UTZ EXPANSION". He also reviewed the photo rendering plan labeled "Utz Plant Expansion Existing Roof Elevations and Proposed Elevations".

Mr. Strong then called his second witness, Mr. Brian Gatz, representing Utz Foods.

Mr. Gatz testified about the need for a 40ft. clearance inside the building and the proposed 49ft. building peak height to accomplish this inside dimension.

Mr. Strong submitted two exhibits into evidence:

Exhibit #1 - Zoning Exhibit for UTZ EXPANSION

Exhibit #2 - Utz Plant 4 Expansion Existing Roof Elevations and Proposed Elevations

Chairman Kacmarczyk opened the hearing to questions from the Board. There were none.

Chairman Kacmarczyk called for any objector's testimony. There was none.

Chairman Kacmarczyk opened the hearing to Township questions. There were none

Chairman Kacmarczyk asked for any concluding remarks. There were none.

At 7:56pm Chairman Kacmarczyk called for an executive session to review the case.

At 8:09pm Chairman Kacmarczyk reconvened the meeting.

Secretary Weih read a motion of approval for the dimensional variance relief requested.
Vote 3-0

Secretary Weih read a motion to direct the Zoning Hearing Board Solicitor to complete the written decision document. Vote 3-0

Chairman Kacmarczyk called for any unfinished business. The Township Manager/Zoning Officer presented a letter to the Board from Racehorse Road, LLC - Substantive Validity Challenge, withdrawing their challenge to Conewago Township Ordinance No. 2020-C

Chairman Kacmarczyk called for any new business. There was none.

The hearing was adjourned at 8:15pm. Vote 3-0

Respectfully submitted,



George Weih, Secretary, Conewago Township Zoning Hearing Board