

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
NOVEMBER 3, 2022**

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman
David Seiler, Vice Chairman
Sande Cunningham, Secretary
Mark Bair
Chris Shuttlesworth (via Zoom)

ALSO IN

ATTENDANCE: Randall Heilman, Director of Community Development
Timothy Holmes, Zoning Officer
Gavin Markey, Solicitor
Abby Gibb, Communications Manager
Jill Trostle, Stenographer

1. CALL TO ORDER

A. Pledge of Allegiance

Chairman Achenbach called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He introduced the members of the Board and Springettsbury Township staff.

2. ACTION ON THE MINUTES

A. OCTOBER 6, 2022

MR. SEILER MOVED FOR APPROVAL OF THE OCTOBER 6, 2022 ZONING HEARING BOARD MINUTES AS PRESENTED, SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY CARRIED.

3. OLD BUSINESS - NONE

4. NEW BUSINESS

**ZHB-2022-0029 - Daniel and Carey DuRand, 3841 Trout Run Road
ZHB-2022-0030 - Daniel and Carey DuRand, 3841 Trout Run Road**

All witnesses were sworn in.

Chairman Achenbach asked if the cases were properly advertised. Mr. Holmes responded that notifications were made.

Mr. Holmes stated both cases apply to 3841 Trout Run Road and came in as a code case complaint from a neighbor about commercial activities occurring in a residential zone, such as large events, weddings, cottage rental, campers on-site, education and exercise classes, and an online store. The property is zoned Rural Residential which allows farms that are a minimum of five acres, so there is no issue with the alpaca farm. Further investigation into the applicant's website verified many of the complaints filed by

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the neighbor. After consultation with the Township Manager and Solicitor, a courtesy notice was sent to determine the activities occurring. Ms. DuRand contacted the Township to respond to the letter at which time she was encouraged to consult an attorney. A meeting was then held with Ms. DuRand's attorney, Beth Kern of CGA Law Firm, to discuss the activities occurring at the location. As a result of this meeting, the following activities were removed from the website: cottage rental and travel trailer camper.

Raising alpacas and livestock is a permitted use in the Rural Residential district; however, boarding of alpacas is not; therefore, the DuRands were notified they would need to apply for a special exception under Section 325-4.1, Uses Not Provided For.

The other activities are categorized as agritourism, a term defined by the Pennsylvania Agritourism Protection Act, but agritourism activities are not provided for in the Springettsbury Township Zoning Ordinance and require another Special Exception from the Zoning Hearing Board under Section 325-4.1.

Mr. Seiler asked about the products being sold as retail sales. Mr. Holmes stated only alpaca products with limited modification would be permitted to be sold through a farmstand, which is a permitted use.

Beth J. Kern, Esq. - CGA Law Firm

Attorney Beth Kern led the testimony of the applicant, Ms. Carey DuRand, to support the applicant's requests for special exceptions and a variance. The following exhibits were presented to the Zoning Board, as well as an amended supplement modifying the request for relief by asking for the ability to hold fewer types of Agritourism activities at the Farm by removing wedding events, small party events, cottage rental and multi-day open houses. An amended Exhibit A and a new Exhibit C were provided.

- Exhibit A (Amended) - Site Plan
- Exhibit B - Aerial Views of Property
- Exhibit C - Parking Map

Attorney Kern summarized the applicant's case. The property is located in the Rural Residential zone where uses otherwise not provided for are permitted by special exception. The DuRands have lived at the property since April 4, 2017. Ms. Carey DuRand is the primary caretaker and operator of the farm. The applicants request special exceptions to utilize their farm to board alpacas and to offer agritourism activities under section 325-4.1 of the Springettsbury Township Zoning Ordinance, both being uses otherwise not provided for within the Zoning Ordinance. Ms. Kern requested to provide joint testimony pertaining to both applications for special exceptions.

Solicitor Markey confirmed joint testimony on both exceptions was fine; however, he advised any actions taken by the Zoning Board would occur as separate motions.

Attorney Kern stated that the proposed uses are going to be an addition to the existing primary use of the property which is a Farm under the existing Zoning Ordinance. The definition of a Farm means the property must be five acres or more and allows a single family residence. The DuRands live at the farm, operate the farm; there is a working barn on the farm, and they are requesting additional proposed uses that will be supplementary to their economic activities of raising their own alpacas. The proposed uses will provide the applicants an outlet for their passion to provide agricultural education activities to the residents of the Township and surrounding communities, complementing the primary farm use.

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Attorney Kern noted the boarding of animals is a commonly accepted agricultural operation, as defined by the Pennsylvania Right to Farm Law, and is protected under another Pennsylvania Law - ACRE. The proposed agritourism activities clearly fit within the definition of an agritourism activity that has been defined by the Pennsylvania Agritourism Protection Act.

Attorney Kern requested to verbally amend the relief requested in the initial application. In regard to special exception application 0029 - Boarding Use, the applicant requests a variance from a lot line requirement that exists in the riding academies and boarding stables criteria of the Zoning Ordinance. One lot line was erroneously drawn on the map, therefore, an Amended exhibit A corrects the lot line location, and the amended application supplement seeks a variance for only one of the four lot lines.

For application 0030 - Agritourism Activities, the applicants propose to hold less types of agritourism activities from the amount initially proposed in their special exception application. The applicant has conversed with her neighbors to understand their concerns and issues with the farm activities, and has decided to decrease the number of activities to minimize the traffic impact or perceived negative impact to the neighbors and the local community.

Attorney Kern requested to verbally amend the specific requests within the application supplements and exhibits. Chairman Achenbach consulted with Solicitor Markey, who had no objections to amending the application during the proceedings.

Attorney Kern presented testimony and evidence in support of Zoning Hearing Board applications 2022-0029 and 2022-0030 as verbally amended, asking for special exception for the boarding of alpacas under section 325-4.1, with the variance to the criteria contained in section 325-180 to reduce the lot line that extends from the barn to be less than 200 feet for one lot line; and a special exception for the requested agritourism activities allowable under section 325-4.1 of the Zoning Ordinance based on special exception criteria contained in section 325-19.

Chairman Achenbach asked the solicitor to confirm the number of actions to be taken by the Board. Solicitor Markey stated there would be two actions on application ZHB-2022-0029 for a special exception and the dimensional variance from the 200 foot limitation, and one special exception motion on ZHB-2022-0030.

Attorney Kern called Carey DuRand as a witness. Highlights from Ms. DuRand's testimony are summarized below:

- Applicants own and have lived at 3841 Trout Run Road, York PA 17408 for five years with their four daughters; one is now married living on her own, and one is currently in college, so there are three vehicles on the property currently.
- The property is 10.4 acres in size and is located in the Rural Residential zoning district.
- The applicant was asked to share her educational and personal background with the Board. Ms. DuRand holds a doctorate in Audiology. She gave up her career to home-school her four daughters for 14 years.
- Ms. DuRand enjoys sharing the farm experience with others and currently has other homeschoolers and 4-H groups that visit the farm on Wednesdays and Saturdays to work with animals in preparation for 4-H shows and assist with chores.
- Alpacas, sheep and chickens are raised on the farm.
- Alpacas are used primarily for their fleece, similar to sheep, using the fleece for wool or yarn and other products such as dryer balls and nesting balls.

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- There are fenced pasture areas on the property. Ms. DuRand demonstrated the location of the pasture areas on exhibit B.
- The maximum number of alpacas to be boarded is 40 to ensure adequate pasture area, avoid overcrowding, reasonable manure management, and to prevent parasites on the alpacas.
- The manure is maintained in a man-made area constructed of railroad ties which is located behind the barn.
- Alpaca manure is the consistency of dry pellets. The pellets are picked up by a local farmer on a regular basis—every three to four months. The pellets are already composted upon release by the animal so the odor is low and it turns to dirt quickly. The applicant makes an effort to minimize the amount of manure and is willing to remove the manure more often if requested to do so.
- The alpacas to be boarded are owned by other people who do not have pasture area for grazing. The Boarders will pay Ms. DuRand for boarding, or will assist with caretaking and chores in exchange for a lower boarding fee. There are currently three boarders that assist at the farm. Approximately two boarders work on the farm each day, except Sundays. The chores take about 1.5 to 2 hours. Other boarders visit the farm only occasionally.
- Parking capacity is a maximum of 25 vehicles. The parking area is paved and was established based on the Township's parking ordinance requirements. The parking area behind the barn is gravel. There would be no parking permitted on grass areas.
- The current barn existed on the property when the applicant took ownership. Ms. DuRand identified the location of the barn on Exhibit A - Site Map.
- The proposed additional Agritourism activities on the farm include: educational farm tours and field trips, educational farm product craft classes, and a one-day annual shearing event on the second Saturday in May,
- Field trips or educational farm tours are offered by appointment only on Wednesdays and Saturdays from 11am to 2 pm, one tour per hour, at a suggested donation. Each tour group would leave the property prior to arrival of the next tour group to minimize traffic and parking. Student Field Trips would be offered in the spring or fall for an average of 30 to a maximum of 45-50 persons per group. Students participate in stations to learn about the animals, and to make different items from the raw fiber from sheep or alpacas. School field trip groups arrive by bus. Home-school tours arrive by car or carpool. Exhibit C shows the turnaround area available for buses and vans.
- Craft classes would involve teaching participants how to use the raw fleece to make crafts, or a paint party that includes a tour of the farm, offered a maximum of two times per month or less, by pre-registration only, for a maximum of 15 persons per class.
- An annual one-day shearing event would be held on the second Saturday in May from 8 am to 5 pm through advanced registration for one two-hour visit. There would be a designated individual to control traffic and ensure parking is not exceeded. No alcoholic beverage consumption would be permitted.
- Photo shoots would be available upon request only, and would not be advertised on the website.
- The applicant is working with a website designer to remove within one week all advertisements for activities that will no longer occur on the property such as weddings and small party events. The website name is Shearheavenfarm.com. When completed, the website will advertise only the five types of agritourism events permitted, times offered, limitations imposed and instructions for scheduling in advance. Advanced registration requires visitors to provide a phone number for Ms. DuRand to contact them prior to their visit to review how to enter the property and where to park.
- An open-air farm stand to sell farm related products is a permitted use.
- Applicants propose no interior or exterior modifications or improvements to the Farm

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- Applicants no longer desire to hold wedding events, small party events or any multi-day open houses.
- A septic system is in place for the home. A handicapped accessible portable toilet is available behind the barn from May to November for visitors. The portable toilet is viewable by only one neighbor, who has submitted a letter of support to the applicant confirming he has no objections. From December to April visitors have access to a compostable toilet located in the cottage by the pool.
- There are no employees associated with the boarding or agritourism uses.
- There is one sign along the driveway.

Chairman Achenbach asked if the alpacas pose any danger to visitors. Ms. DuRand stated alpacas are very friendly, respond favorably to treats, have no upper teeth, and cannot bite. However, she noted visitors are warned not to touch the hind area as the alpaca may kick. Ms. DuRand stated she would be willing to modify or eliminate any activity that would pose a danger to the public.

Solicitor Markey asked if the portable toilet could be moved elsewhere on the property where it is not seen by anyone. Ms. DuRand confirmed that it could be moved to another location.

Attorney Kern asked Ms. DuRand to describe the rear property line. The rear property line is 60 feet from the rear of the barn, is completely wooded and has a drastic drop to the Codorus Creek. The property owner adjoining the rear property line cannot see any activities occurring on the farm. All other property lines meet the permitted distance requirements.

Ms. DuRand confirmed under oath the following general criteria would be met:

- The proposed boarding use will comply with the applicable provisions and be consistent with the purpose and intent of the Zoning Ordinance, and will not detract from the use and enjoyment of adjoining nearby properties.
- The proposed boarding use will not substantially change the character of the property's neighborhood.
- There will be adequate public facilities available to serve the proposed boarding use.
- The property is not within the floodplain overlay zone.
- The proposed boarding use will not substantially impair the integrity of the Township's 2006 Comprehensive Plan.
- The intended purpose of the proposed boarding use will be consistent with the Township's development objectives as established in the Comprehensive Plan.
- Ms. DuRand believes the proposed boarding use will be in the best interest of the properties and the general area, as well as the community at large.
- The proposed board use, including its nature, intensity and location, will be in harmony with the Rural Residential zone.
- The proposed boarding use will be suitable for the property in question, and be designed, constructed, operated and maintained suitably for the population to be served, the numbers of participating population, frequency of use, adequacy of space and generation of traffic.
- Water supply, sewage disposable, storm drainage, fire and police protection and other public facilities will be provided for the boarding use.
- The proposed boarding use will provide adequate ingress and egress, interior circulation of both pedestrians and vehicles, off-street parking, and accessibility to the existing Township street system.

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- With exception of the proposed lot line variance requested, the proposed boarding use will conform with all applicable requirements of the Zoning Ordinance and in accordance with the subdivision and land development ordinance of the Township.

Ms. DuRand confirmed under oath the following specific criteria related to the riding academies and boarding would be met:

- There will be adequate off-street parking provided, which was demonstrated by exhibit C - visual of the parking area.
- The animals, except while exercising or pasturing, will be confined in a building maintained for the purpose of confining animals.
- With the exception of the rear lot line, the building will be maintained within 200 feet of any lot line.
- There is only one nonconforming lot line in the rear that abuts the thick mature wooded area.
- All areas used for exercising and pasturing will be securely fenced.
- There will be a plan in place to prevent accumulation or storage of manure and other odor producing substances.

Mr. Achenbach noted for the record, the applicant has confirmed all criteria required by the Township will be met. Mr. Achenbach asked the Solicitor if the comments on the record are sufficient to satisfy the Zoning Board's requirement that the applicant has met the conditions required by the ordinance. Solicitor Markey confirmed that the detailed supplement provided by the applicant is more descriptive and can be used to confirm that all conditions have been met.

On behalf of the applicant, Attorney Kern requested the initial application, the detailed amended supplements and exhibits be incorporated and accepted for the record. Solicitor Markey confirmed acceptance of the exhibits and noted his intention to make them a condition of any forthcoming approvals.

For the record, Ms. DuRand agreed to the following technical requirements criteria in relation to the requested variance.

- The unique characteristics of the property causing unnecessary hardship include the location of the lot line behind the barn, and the barn which existed prior to applicant's purchase of the property.
- If the current barn has to be demolished and a new barn constructed, this would cause an unnecessary hardship for the applicant.
- Without acceptance of the variance requested, the applicant will not be able to meet the criteria for the special exception to board alpacas.
- If applicant is unable to board alpacas, this will have a negative economic impact on the applicant and the farm operations in general.
- The unnecessary hardships have not been created by the applicants.
- The variance, if authorized, will not alter the essential character of the neighborhood or impair the appropriate use or development of adjacent property or be detrimental to the public welfare.
- The variance, if authorized, will represent the minimum variance which will afford relief or present the least modification possible to the regulations at issue, because relief is needed only in relation to one lot line.

Attorney Kern asked if the Board would consider the same testimony applicable to the proposed boarding of alpacas, to apply to the special exception criteria proposed for agritourism activities.

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Solicitor Markey advised Chairman Achenbach this would be fair, as the criteria enumerated and agreed to by the applicant would be a condition on the approval by the Zoning Hearing Board.

In an effort to maintain positive relationships with her surrounding neighbors, Ms. DuRand sent a letter asking for forgiveness for the excess traffic and notified them she would not continue to pursue more than one shearing event in the future, would require visitors to register in advance, assign someone to control traffic in the driveway, asked them to share feedback, and assured them she is willing to work with them to make changes needed. She received responses from two neighbors. She also received a letter from Nate Gordon who is in direct sight to all farm activities. The letter was presented to the Board as Exhibit D. Solicitor Markey requested the letter be read into the record.

Attorney Kern stated the communication was from Mr. Nate Gordon to Carey DuRand, the applicant, dated November 3, 2022 at approximately 4:19 pm, and reads as follows:

“To whom it may concern:

My name is Nathaniel Gordon. I reside at 3861 Trout Run Road and I am the direct neighbor to the DuRand property to the east. I am unable to attend the hearing on 11/3/22 and am instead submitting my opinion via this letter. Having reviewed and understood the amended Exhibit A and Exhibit C submitted on the application for a special exemption to the Township, myself and my family feel comfortable with the situation and am giving our blessing to the Township in support of Mrs. DuRand. Our family trusts that Mrs. DuRand will conduct the farm business in a manner that will be respectful to those of us that reside in a quiet country setting. She has learned the neighborhood’s desire to stay quiet and has shown flexibility in changing her personal desires for her property. I also trust that if circumstances change in the future, Mrs. DuRand will continue to partner with her neighbors in finding ways that we all can feel secure and minimally impacted.

Nathaniel and Becky Gordon”

Attorney Kern stated Ms. DuRand responded to her neighbors’ concerns in the following ways:

- She discontinued allowing campers on the property after one camper cut into the neighbor’s property line.
- She discontinued allowing visitors on the sheep pasture which is adjacent to Mr. Gordon’s property as he preferred visitors not be allowed to be that close to his property line.
- GPS devices were guiding visitors to Mr. Gordon’s drive way rather than the DuRand’s driveway, so she now requires advanced registration to include a phone contact so she can make contact with them and make them aware of the correct driveway to be used. In addition, she plans to provide traffic control for all events to prevent visitors from accessing the wrong driveway.

Mr. Achenbach asked if anyone in attendance wished to speak for or against the applicant.

All witnesses were sworn in.

Dick Page, 3900 Trout Run Road, York PA

Mr. Page asked if there is a limitation to the number of animals someone can have on their property, such as a specific number of animals per acre. Mr. Markey responded there is no limit in the rural residential district. However, the applicant has indicated there would be no more than 40 alpacas on her property and will be held to that amount through the special exception. Mr. Markey stated it is his intention that all the

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conditions discussed this evening, as well as the supplements submitted, will be incorporated as conditions on the approval of the special exceptions. If there would be deviations from the conditions, that would constitute a violation of the approval and the Township can seek enforcement action against the applicant.

Mr. Page asked if the exception, if granted, goes with the applicant, or with the property. Mr. Markey responded the exception applies to the property and any future owners would have to comply with the special exception with the same conditions.

Mr. Page stated his biggest concern is agritourism and there is no definition of agritourism in the Zoning Ordinance. Mr. Page stated there should be a specific definition of agritourism, as well as a list of items permitted and not permitted. He also stated that the agritourism law was designed to limit liability for the property owner, not necessarily to dictate what actions and events fall under agritourism. Mr. Achenbach responded the ordinance is written in a broad and general way to allow circumstances to proceed that are requested by the applicant. It is up to the applicant to either follow the ordinance as stated or request special exceptions from the Zoning Board. The Board is then burdened with making a decision that confines and restricts the allowance if granted.

Mr. Heilman stated the Township will undergo a comprehensive plan review and will amend the Zoning Ordinance and the Subdivision Land Development Ordinance. Springettsbury Township ordinances were adopted in 2006, and agritourism is a relatively new use. The ordinances are written in general terms to allow requests for exceptions for activities that are not yet known to exist. The Zoning Board allows requests for special exceptions to come before the Board and the Board determines the criteria based on the testimony provided. Mr. Heilman told Mr. Page that he has the right to file an appeal to the decision made by the Zoning Board. Ms. Cunningham also noted that changes to the Zoning Ordinances take time to go through the amendment process. Mr. Page responded that he prefers Trout Run Road to remain rural with little traffic and commercialism.

Dorcas Ruppert, 3821 Trout Run Road

Ms. Ruppert lives next door to the DuRands. She stated Ms. DuRand is inviting vendors to open house events to provide items for sale. Ms. Ruppert's opinion was this is commercialism. Ms. DuRand responded to the concern, noting there were two craft vendors who were offering items for a donation only, and only one open house shearing event will be held annually going forward. Ms. Ruppert stated that the signage is confusing—one sign says "Shear Heaven" but another says "Closed—No Trespassing." Ms. DuRand responded the "Closed" sign was put up to prevent visitors from stopping in without a pre scheduled appointment, and no activities have been scheduled pending the Zoning Board hearing. Ms. Ruppert stated school buses don't have enough room to turn around and put ruts in neighbors' property.

Attorney Kern asked Ms. DuRand to clarify for the record that she is not asking the Board to allow additional vendors be present at the sharing event, it is not part of her application and not part of the relief she is seeking, to which Ms. DuRand responded—correct. Mr. Markey asked the applicant if she could commit to a specific number of vendors, such as four maximum. Ms. DuRand agreed with the maximum of four if the Board would agree to that, and added the crafts would be related to the approved farm activities.

Cindy Smith, Mt. Zion Road, York PA

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Ms. Smith stated she benefits from Ms. DuRand's farm activities and it would be a tragedy to keep her from having field trips and educational tours for people to learn about the alpacas and the animals. Ms. Smith stated the animals can be very therapeutic. Ms. Smith stated the farm activities have not had a negative impact and disagrees with limiting vendors who display alpaca products to four. It is Ms. Smith's opinion that limiting the public's interaction with the alpacas and farm activities would be a tragedy. Ms. DuRand has responded to the concerns and is willing to work with her neighbors.

Priscilla Scheivert, 4320 Devonshire Drive, Dover, PA

Ms. Scheivert stated she owns ten alpacas, which she boards because she cannot afford to purchase a farm of her own. She is a 4-H leader and enjoys visiting and helping on the farm. She stated part of the 4-H experience involves learning about the animals and how to care for them through farm chores. She noted some children have never seen animals before. She stated the fields and pens are cleaned daily. Ms. Scheivert stated alpacas have a low impact on the pastures compared to hooved animals such as horses. Ms. Scheivert stated the 40 alpacas rotate pastures every two weeks to keep them as healthy as possible. If pasture grass is eaten down to the ground, the alpacas will become infected with parasites which can kill them. A healthy happy animal produces the best quality fleece. Ms. Scheivert stated many farmers have moved from dairy to agritourism because they cannot make a living on milk production. She stated agritourism is a new up and coming thing that can be scary to those that do not understand it.

Leo Walters, 3871 Trout Run Road

Mr. Walters is a neighbor of the DuRands. Based on the testimony and comments shared, the Walters are not opposed to anything they have heard during the hearing. He noted he wanted to share his position for the record.

Chairman Achenbach asked the applicant if she would move forward even if the Zoning Board did not approve alpaca boarding. Ms. DuRand stated there was a time that she would not have a farm if it weren't for the boarding due to financial and physical reasons. She feels farms are becoming obsolete and people need to be educated about them. Ms. DuRand stated her goal is not to make money, but to share the farm experience with others.

Solicitor Markey complimented Mr. Holmes, Mr. Heilman and Attorney Kern on preparing an appropriate analysis of the special exceptions and variance. From a legal perspective, Mr. Markey stated he had no objection to the special exception or variance.

Mr. Markey stated if the Board is inclined to approve the variance and special exception for ZHB-2022-0029, the three conditions enumerated below by the Solicitor should be binding on those approvals.

1. The transcript of testimony and all affirmations of fact by the applicant and the applicant's representatives shall be binding conditions of all approvals for case ZHB-2022-0029, with the intent to take them at their word, as well as hold them at the word on all the various specifics that have been highlighted and questioned. The transcript would be reproduced with a copy maintained in the file, and if there are complaints about failure to live up to the promises made this evening, Mr. Heilman and the Township Solicitor can consult the transcript and if there are deviations to what was said under oath, that would be a violation of the Board's approval.
2. The revised newly submitted Springettsbury Township Zoning Hearing Board application supplement and contents thereof are binding conditions on the approval. Everything stated in the supplements will also be considered conditions on the approval.

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3. Exhibits A, B and C as submitted in the application supplement above mentioned are binding conditions of approval of ZHB-2022-0029.

IN THE CASE ZHB-2022-0029 MR. SEILER MADE A MOTION SUBJECT TO ATTORNEY MARKEY'S THREE CONDITIONS ABOVE TO APPROVE THE DIMENSIONAL VARIANCE AND THE SPECIAL EXCEPTION. MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY CARRIED.

Mr. Markey provided an opinion on the second request for special exception. If the Board is inclined to grant approval, there are four conditions:

1. Transcript of testimony and all affirmation of fact by the applicant and the applicant's representatives shall be binding conditions of approval of ZHB-2022-0030.
2. The revised and newly-submitted Springettsbury township Zoning Hearing Board application supplement and contents thereof are binding conditions on the approval.
3. Exhibit A, B and C as submitted in the applicant's supplement above mentioned are binding conditions on the approval for ZHB-2022-0030.
4. Any portable toilet facility used on site shall be located on the property so as not to be detectable by odor or visually by surrounding properties.

IN THE CASE ZHB-2022-0030 MR. BAIR MOVED THE SPECIAL EXCEPTION BE GRANTED SUBJECT TO THE CONDITIONS AS OUTLINED BY ATTORNEY MARKEY. MR. SHUTTLESWORTH SECONDED. MOTION UNANIMOUSLY CARRIED.

Mr. Achenbach thanked the Board, the applicant and the attendees for their concerns and willingness to step forward.

8. ADJOURNMENT

MR. SEILER MOVED TO ADJOURN THE MEETING, SECONDED BY MS. CUNNINGHAM. THE MEETING ADJOURNED AT 8:09 PM.

Respectfully submitted,

Secretary
/jht