

**PENN TOWNSHIP
ZONING HEARING BOARD
MINUTES OF OCTOBER 12, 2016**

ATTENDANCE

Board Members Present:
Gerald Wolfe, Chairperson
Aaron Kopp
Justin Wolgemuth
Steve Bushey

Fred Hammond, Alternate

Others:
Sharyn Young, Zoning Officer
Melvin Newcomer, ZHB Solicitor
Brenda Pardun, Stenographer
Joel Martin, Applicant
Glenn Martin, Resident
Richard Landis, Supervisor

The meeting was called to order at 7:00 PM by Mr. Wolfe.

Minutes

Motion was made by Mr. Bushey and seconded by Mr. Hammond to approve the minutes of September 14, 2016, as written; the vote was unanimous in favor of the motion.

Case #882: Joel Martin, Applicant

The Applicant sought variances from the requirements of Zoning Ordinance Section 27-419.2, Concentrated Animal Feeding Operations (CAFO), to allow an addition to an existing building that would be 125 feet from the property line, where the requirement is 200 feet, and to allow the addition on the existing 46-acre CAFO, where a minimum of 50 acres is required. The property is located at 2077 Mountain Road, Manheim, PA in the T-2 Agricultural Zoning District.

Mr. Martin was sworn in by the court reporter; no others present sought party status.

Mr. Martin presented his case, explaining that he has operated a duck farm since 2001; in 2007 the farm was designated by the Commonwealth as a CAFO when the number of ducks exceeded 5,000. The building currently houses 9,000 ducks; construction of the proposed 44-foot by 125-foot addition would add 4,500 more. Mr. Martin explained that the addition must be on the finishing barn where additional capacity is needed. The other existing barn is a starter barn and functionally it would not work to put the addition there. Mr. Martin testified that PA DEP would need to approve the increase in the CAFO, and would require an odor and soil study, and soil conservation and manure management plans.

After discussion with the Applicant of possible other locations on the property for the expansion, the Board indicated that it did not believe that the Applicant sufficiently demonstrated the existence of a hardship that

would justify the setback variance. The Board found that the property size variance was reasonable under the circumstances and posed no detriment to the neighborhood.

Motion was made by Mr. Kopp and seconded by Mr. Hammond to approve the variance from minimum lot size; the vote was unanimous in favor of the motion.

Motion was made by Mr. Kopp and seconded by Mr. Hammond to approve the variance from the minimum setback; the vote was 3-2 against the variance, resulting in a denial of the setback variance request.

Adjournment

Motion was made and seconded to adjourn the meeting at 7:35 PM; the vote was unanimous in favor of the motion.

Respectfully submitted,

Sharyn Young,
Zoning Officer