

**PENN TOWNSHIP
ZONING HEARING BOARD
MINUTES OF JANUARY 10, 2018**

ATTENDANCE

Board Members Present:

Gerald Wolfe, Chairperson
Dale Rohrer, Vice-Chairperson
Steve Bushey
Aaron Kopp
Justin Wolgemuth
Fred Hammond (Alternate)

Council/Representative for Applicants:

Dwight Yoder, Gibbel Kraybill & Hess
Molly Hughes, Red Barn Consulting

Applicants:

Thomas & David Wolgemuth, T&D Excavating,
Inc. T&D Paving, Inc.

Others:

Josele Cleary, Township Solicitor
Ronald Krause, Supervisor
Melvin Newcomer, ZHB Solicitor
Brenda Pardun, Stenographer
Mark Hiester, Township Manager
Matthew Reeser, Zoning Officer

The meeting was called to order at 7:02 PM by Mr. Wolfe.

Minutes

Mr. Wolfe explained to the audience, that ZHB reorganization was to take place as required. Mr. Bushey made a motion to continue the current structure of The Board. This motion was seconded by Mr. Kopp; the vote was unanimous in favor of the motion.

Mr. Bushey made the motion to approve the minutes of September 13, 2017, as written and Mr. Rohrer seconded; the vote was unanimous in favor of the motion.

Prior to proceeding, Mr. Wolfe recused himself from the proceedings due to his relationship with the applicants, and requested that alternate Mr. Fred Hammond hear the case. There was no objection from council.

Township Zoning Hearing Board Solicitor, Melvin Newcomer explained to all persons present, procedure and regulations for both the Hearing and achieving party status as written in the *Pennsylvania Municipalities Planning Code*. After the explanation was complete, no one from the audience chose to be sworn in.

All persons whom wished to speak, were sworn in by the court reporter.

Case #891 T&D Excavating, Inc., T&D Paving, Inc., Thomas & David Wolgemuth, Business Co-Partners & Property Owners and Applicants

The applicants sought a variance by estoppel to continue their excavating business, as well as appeal a Zoning Enforcement Notice which had been issued by Township.

Mr. Yoder explained some of the previously taken measures between the applicants and Township, to resolve the issue at hand. He also explained, that there would be a total of two witnesses, (Thomas and David Wolgemuth) that he would be questioning, and three exhibits that he would be submitting during the hearing. Exhibit A-1, was explained to be a packet of invoices showing that T&D Excavating, had been doing business with Township. Exhibit A-2, was explained to be the list of proposed conditions which had been agreed upon by Township and the applicants prior to the hearing. Upon review, Thomas and David Wolgemuth stated, that these were in fact the conditions that they had agreed upon. Mr. Yoder then submitted exhibit A-3, which Ms. Hughes explained that the document was a site plan for the subject property.

Mr. Yoder explained, that an agreement had been made, between all parties involved and Township, that if the proposed conditions were met, that Township would expunge the Enforcement Notice.

Mr. Newcomer asked Ms. Cleary if Township did in fact agree with these conditions. Ms. Cleary explained the Township's rules and conditions for the expungement of the Enforcement Notice, and the possibility of the reinstatement of the subject notice, should any of the agreed to conditions not be met.

There was conversation amongst The Board, as to how this case came to fruition. It was explained by the ZHB Solicitor, that how the case was initiated was not a conversation for the here and now and reexplained the conditions of the case.

There was a motion made by Mr. Rohrer, to close testimony, which was seconded by Mr. Wolgemuth. The motion was voted on, and passed unanimously.

There was a motion made by Mr. Wolgemuth, to allow the variance by estoppel, which was seconded by Mr. Kopp. The vote was passed unanimously in favor of the motion.

Adjournment

There was a motion to adjourn the meeting at 7:34pm, made by Mr. Wolgemuth; which was seconded by Mr. Kopp. The vote was unanimous in favor of the motion.

Respectfully submitted,

Matthew Reeser
Township Zoning Officer