

**PENN TOWNSHIP  
ZONING HEARING BOARD  
MINUTES OF MAY 11, 2022  
ATTENDANCE**

**Board Members Present:**

Gerald Wolfe/Chairman  
Steve Bushey  
Aaron Kopp  
Bill Postel  
David Breinich

**Others**

Richard Landis, Supervisor  
Mark Hiester, Township Manager  
Melvin Newcomer, ZHB Solicitor  
Matthew Reeser, Zoning Officer  
Brenda Pardun, Court Reporter  
Jennifer Tulonen, Township Planner  
Fred Hammond, Resident  
Terry Saylor, Resident  
Kevin Daub  
Patty Tompkins  
Sylvan & Ruth King, Residents  
Dwight Yoder, GKH  
Steve Gergely, Harbor Engineering

Darby Graybill, Penway Construction  
Joseph Gochenauer, Resident  
Scott Bender  
Maureen Smith, Resident  
Laura Berra, Skelly & Lay, Inc.  
Al Budinski, Skelly & Lay, Inc.  
Bill Necker, Maurer & Scott  
Lewis Jury, Resident  
Andrea Black, Manheim Community Library  
Sheila O'Rourke, GKH  
Travis Rohrer, Rohrer's Inc.  
Tim Rohrer, Rohrer's Inc.  
Luke Rohrer, Rohrer's Inc.

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

**Minutes**

Mr. Bushey made a motion to approve the minutes of April 13, 2022 as written; Mr. Postel seconded the motion; the vote was unanimous in favor of approval by the Board.

All people present who might testify, were sworn in by the court reporter.

The ZHB rendered their decision with regards to case #220945 for Pleasant View Retirement Community, with additional conditions in-excess of the standard typical conditions of approval.

After Mr. Wolfe read his proposed conditions, there was a motion by Wolfe to approve the use, subject to his proposed conditions; which received a second by Mr. Postel. The motion was voted on by the ZHB and the motion was carried in-full by the board.

Those present in the audience were asked whether they wished to receive party status for case #220948. Party Status was requested by Resident Maureen Smith of Elwyn Terrace. There was a motion by Bushey with a second by Breinich to approve party status for Ms. Smith; the motion was carried in-full by the ZHB, so Smith was granted party status for this case.

**Case #220948** – Applicant; Penn Station Townhomes, LLC. on behalf of owner William M. Hess, has submitted an application to be heard by the Penn Township Zoning Hearing Board, in which they request special exception approval per §27-402.25.B(8) of the Penn Township Zoning Ordinance to allow vehicle garages to enter from the front of townhomes. The applicant also has requested variances from §27-207.1 Front Yard Setback for Semi-detached Dwellings & §27-207.1 note 6 to not subdivide semi-detached dwellings, if required. The property that is the subject of this application is 246 Fruitville Pike, Manheim, PA 17545, which is located in the RM-Medium Density Residential Zoning District, Tax ID#500-00367-0-0000.

The application for case #220948 was presented by Steve Gergely of Harbor Engineering.

The following is a brief synopsis of what was explained:

- The parent tract would be divided into 4 parcels
- The development will be served by a one-way street
- All units will be rented
- There will be a community building with a pool, which will not be open to the general public
- Walkways within the development will be able to be used by members of the public
- The street layout and floodplain limit the way that the development may be laid out and space may be utilized
- The ZHB were shown a conceptual design
- The applicant and the township had drafted conditions of approval, which were entered as Applicant's Exhibit #2

After the presentation, there was a motion to approve the application and requests by Mr. Bushey; with a second by Mr. Breinich. The motion to approve the requests was carried in-full by the ZHB at approximately 7:43pm.

After the above case was closed, Mr. Wolfe asked if there was anyone present who wished to gain party status for case #220949. The zoning officer, Matthew Reeser went on record to state that the township would be a participant. Though not required, there was a motion by Bushey with a second by Kopp to allow the township to be a party; the motion was carried in-full by the ZHB.

**Case #220949** – Applicant; Ruth King has submitted an application to be heard by the Penn Township Zoning Hearing Board, in which they request special exception approval to operate a Bed & Breakfast per §27-202.3 & §27-402.13 of the Penn Township Zoning Ordinance. The property that is the subject of this application is 751 Temperance Hill Road, Lititz, PA 17543, Tax ID#500-23902-0-0000 which is located in the Agricultural Zoning District.

The above case was presented by attorney Sheila O'Rourke. The following is a brief synopsis:

Below are points of the presentation by O'Rourke:

- There was a previous application heard by the ZHB with regards to this use
- There has been a change in the zoning ordinance since the last hearing
- The subject property is approximately 10 acres
- The Applicant also owns 683 Temperance Hill Rd

- The Applicant is proposing a Bed & Breakfast use to supplement a farming use of this and a neighboring parcel
- Adjacent neighbors don't object to the B&B use
- Up to 4 guest rooms may be rented
- There are no signs being proposed
- The owners will not serve or prepare food to any members of the general public, just guests
- The parcel is served by a new septic system
- The parcel is served by an on lot well

After O'Rourke's presentation members asked:

- Are the properties deeded separately; yes
- Is the subject parcel separate from the neighboring property; yes

It was explained by the ZHB solicitor that since the township solicitor had a previous obligation, that the ZHB may want to close testimony to allow attorneys to prepare memorandums of law.

There was a motion by Wolfe, with a second by Postel to close testimony and request that attorneys prepare memorandums. This motion did not carry since the other 3 members voted no.

There was a motion by Bushey with a second by Kopp to approve the requests. Though the motion eventually carried, it was not unanimous: Postel, no; Wolfe, no; Breinich, yes; Kopp, yes; Bushey, yes.

There was a recess at approximately 8:15

At approximately 8:19 the meeting was again called to order by Wolfe

Prior to the next case being heard, board member David Breinich recused himself since his property neighbors the property that is the subject of then next application. Breinich left the front of the room and sat in the audience.

Wolfe asked if anyone in the audience wished to be a party to the next case. There were several:

David Breinich; motion by Bushey with a second by Kopp to approve the request; the motion was carried

Joseph Gochenour; motion by Bushey with a second by Kopp, the motion carried

Terry Saylor; motion by Bushey, with a second by Kopp, the motion carried

**Case #220950** – Applicant; Rohrer's Quarry, Inc. has submitted an application to be heard by the Penn Township Zoning Hearing Board, in which they request Special Exception approval per §27-202.4.E & §27-402.48 of the Penn Township Zoning Ordinance, to allow the Applicant to extend its existing quarry pit to continue operating at its current level of production. The properties that are the subject of this application are; 960 Fruitville Pike, Lititz, Tax ID#500-20979-0-0000; 16 Lititz Road, Lititz, Tax ID#500-05946-0-0000; and Tax ID#500-22173-0-0000 (no address); all of which are located primarily within the Quarry Zoning District of Penn Township.

The application was presented by attorney Dwight Yoder

- There is approximately 8-10 years of stone left in the existing quarry pit
- Approval will gain another 10 years or so of quarry operation
- The parcels are split zoned between the quarry district and a very small portion of the commercial district
- There will be no increase in the amount of production within the quarry, if the requests are received

- There are approximately 120 employees currently
- The stone is PennDOT certified
- DEP permits which take approximately 18-24 months to acquire need to be received
- The proposed expansion is only in the South/West corner of the properties
- There will be a similar amount of trucks & employees
- There will be a fence that is approximately 8' in height surrounding the quarry pit
- There will be no new stockpiles
- Only the fence and berm will be located within the commercial district
- Blasting will have no effect on the existing gas line which crosses the properties
- There will be 300' minimum from dwellings to the edge of the berm
- There will be a minimum distance of 345' from dwellings to the edge of the pit

After conversations, there was a motion to approve the request by Bushey, with a second by Postel; the motion was carried in-full.

At approximately 9:33pm, there was a motion by Bushey, with a second by Kopp, to adjourn for the night. The motion carried in-full.

Respectfully submitted,



Matthew Reeser  
Penn Township Zoning Officer