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**CONEWAGO TOWNSHIP
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March 13, 2008

ZONING HEARING BOARD MEETING

The Conewago Township Zoning Hearing Board held a meeting, Thursday, March 13, 2008 for the purpose of a hearing for application of **Ebersole Excavating, Inc., Docket 2008-1** requesting a variance from Section 1103 of the Conewago Township Zoning Ordinance regarding the expansion of a nonconforming use and building in the R-C Residential Country Zoning District. The applicant desires to expand a nonconforming use and building in excess of the expansion permitted by the Zoning Ordinance The subject property is located at 5556 Ridge Road, Elizabethtown, PA 17022. The tax parcel number is 22-006-028.

The Conewago Township Zoning Hearing Board held a meeting Thursday, March 13, 2008 for the purpose of a hearing for application of **Paul E. Zimmerman, Docket 2008-2** requesting a variance from Section 405.2 of the Conewago Township Zoning Ordinance concerning maximum residential lot acreage; Section 1001.17.A of the Conewago Township Zoning Ordinance concerning maximum allowable residential acreage (total); and Section 1001.17.C of the Conewago Township Zoning Ordinance concerning maximum allowable road frontage (total) for two lots in the Agricultural Zoning District. The applicant desires to do a subdivision to add acreage to two existing lots. The subject property is located at the intersection of Valley Road and Mapledale Road. The tax parcel number is 22-14-53.

The meeting was called to order by Chairman Eisenhour at 7:30 PM. Those present were:

Curtis Eisenhour
Steve Stine
Donna Spittle
Bob Ebersole
Galen Shelly
Jeff Lohmann

Eleanor Long
Sharon Dougherty
Shelley Smith
Paul Zimmerman
Don Parmer
Bill Webb

Rosalie Sarfert
Shirley Meyers
Gilbert Petrina
Randy Wright, Lake Roeder
Debbie Parmer
Karen Webb

MINUTES OF AUGUST 30, 2007 – A motion by Eisenhour second by Sarfert to approve the minutes of August 30, 2007. Motion carried.

RE-ORGANIZATION – A motion by Long second by Sarfert that the officers stay the same. Namely, Curtis Eisenhour, Chairman and Eleanor Long, Secretary. Motion carried.

The purpose of the meeting is to hear two variances request. Solicitor Stine noted that the meeting was properly advertised in The Sun, the 2 properties were posted 3-3-08, appropriate notices sent to neighbors within 300 Ft., and appropriate fees were paid.

EBERSOLE EXCAVATING VARIANCE, 5556 Ridge Road, Elizabethtown, PA, Parcel No. 22-006-027, 22-006-028 – There are 3 lots, 22-006-027, and 22-006-028 are currently owned by Harvey H. & Sandra H. Ebersole Jr. The third lot 22-006-029 is owned by Jeffrey & Robert Ebersole, this lot was logged out by the previous owner. Ebersoles's are proposing to add a storage garage onto existing building, to put trucks and equipment under roof. They operate Ebersole's Excavating and X/S Waste Transport on this site. The original lot was purchased in 1970's, and the southern lot was rented from the aunt for years. Solicitor Stine stated the issue with adding onto the building it is a non conforming use and adding on the business expansion Section 1103.2.A., states that extension or enlargement referring to building area should not exceed 50% of building.

Supervisor Shelly said the Supervisors agree with the Planning Commission that they are not expanding the business just putting equipment under roof. The Township Solicitor stated the use of the property isn't changing the use of the building size is changing.

Shelley Smith, 5586 Ridge Road – They bought their house 13 years ago on the corner of Oak & Ridge Road. They didn't research the property, so we have lived with the noise, diesel fumes, and truck traffic without complaint. They don't have A/C, so in the summer with the doors and windows open, the noise is tremendous, waking up to backup beepers, and diesel fumes from the yard above us. They need to put their business where it is properly zoned.

Ebersole's did not start out as an excavating business, so it wasn't an issue to have a business. Where did they think they would grow to? She wonders about the trash hauling business being uphill from them, and the previous owner mentioning that he had radio active medical materials in the trash, and when he took it to the incinerator it setoff the sensors. Are the trucks cleaned on or off the site, do they set in the rain, and leak contaminated water that runs down hill? It is already worse since the trees were removed from the lot between them. At least the trees provided a partial barrier for fumes, sound, dust and absorbed runoff, now we have a brown river The Smith's have no personal issues with the Ebersole's, and we live with our decision, we are residential and Ebersole's need to find another option.

**EBERSOLE EXCAVATING VARIANCE, 5556 Ridge Road, Elizabethtown, PA,
Parcel No. 22-006-027, 22-006-028 - Continued**

Lee Webb, 5555 Ridge Road – Mr. Webb said he lives directly across the road from Ebersole’s business. He never had problems with their truck or traffic; they leave early in the morning, and their not loud. they don’t race their engine. Ebersole’s control the dust in the summer by putting oil down to keep dust from creating a problem for the neighborhood. Mr. Webb does not see why there should be a problem with them adding onto the building. Their not building a bigger business, it’s not in view of the public.

Robert Ebersole – Mr. Ebersole wanted to clarify that the oil being used to control dust is state approved oil. He stated the trash hauling trucks are cleaned at the incinerator, they don’t wash the inside of the truck, and they wash the outside of the truck on the present site. He also said they have a grease separator for the water to run.

Josh Lohmann, 5565 Ridge Road – Mr. Lohmann said he agrees with Mr. Webb in the general that the trucks comes and go for the most part. Since the garbage truck business there is more noise at different times especially with the dumpster. The trucks leave in the morning between 5:00-6:30 AM, which wakes up the whole family. They purchased a noise machine, so they don’t hear the trucks in the morning. Mr. Webb called Ebersole’s pertaining to the noise, and he said it was all right for several weeks.

Solicitor Stine asked if the excavating business was the sole business in 1969. Mr. Ebersole said it was up until they purchased the trash business in 2004-2005.

Robert Ebersole – Mr. Ebersole said he never received the message pertaining to trucks in the morning, but there shouldn’t be any trucks leaving before 6:30 AM. The only truck is the residential garbage truck leaves at 5:30 AM, but that is only one truck

Solicitor Stine closed hearing on Ebersole Excavating Variance, and stated since we have two hearing, we will hear both of them. The Zoning Hearing Board will go into Executive Session to deliberate over both applications, and after that will most likely vote on each application to deny or grant the application.

ZIMMERMANN VARIANCE – Zoned Ag.,, Zoning Application for Larger Building Lots, Mapledale Road, Lots 2 and 3, Parcel No. 22-014-055 and 22-014-056, Corner of Mapledale and Valley Road

– Engineer Wright stated in the package submitted to this Board the overall plan of the property shows lots 1 through 7 which were recently subdivided. The focus will be on Lot 2, Lot 3, and Lot 7 is a separate lot, it is approximately 12 acres. Lot 7 lies around the backside of Lot 2 and 3. It is their desire to take Lot 2 and 3 and split in half, so that Lot 2 and 3 would own land directly behind them and would relieve

ZIMMERMAN VARIANCE – Zoned Ag., Zoning Application for Larger Building Lots, Mapledale Road, Lots 2 and 3, Parcel No. 22-014-055 and 22-014-056, Corner of Mapledale and Valley Road , Continued - the owner of Lot 7 from maintaining the land on both sides of Mapledale Road. Engineer Wright stated the land involved is about 15 ½ acres, so 20 acres or more could create 2 lots that would be 10 acres and each would be classified as a farm instead of residential. Lot 2 and 3 are approved and recorded, their not proposing an additional lot, just trying to reallocate land.

Solicitor Stine said if you joined L2, and 3, and a portion of Lot 7, you would have a total of 15 ½ acres. Solicitor Stine stated Section 405.2 in the Ag District states single family detached minimum lot area shall not be less than 1.5 acres and maximum permitted lot acreage shall not exceed 3 acres. Engineer Wright said Section 1001.17A , single detached dwelling states maximum of 10% of total acreage of whole farm – 10% of that total could be attributed to residential uses which show previously approved lots 2, 3, 4, 5, and 6. By adding acreage to Lot 2 and 3 they would exceed the 10% cap. Section 1001.17C, the total property frontage of maximum frontage of road frontage cannot exceed 25% for residential uses.

Supervisor Shelly – He stated the Supervisors agreed with the Planning Commission that due to Mr. Zimmerman’s first subdivision of the land, it does not meet the needs of a hardship.

Solicitor Stine closed the Zoning Hearing for Zimmerman Variance and reopened Mr. Ebersole’s Variance. for Robert Ebersole to clarify concerns of the neighbors.

Robert Ebersole – He wanted to address the neighbors concerns. He stated that before they bought the Curry property, there was a nice buffer and Mr. Curry removed all the trees. Ebersole’s planned to clean up the front along the road of all their properties, and the rain came and it never got finished. Mr. Ebersole said they could do some kind of buffer with plants, shrubs, and a big mound. He also said they would like to pave the front which would eliminate potholes and dust, and since they wouldn’t be using that land it could used for water retention.

Solicitor Stine closed the regular meeting at 8:25 PM to go into Executive Session to deliberate over both variance requests. The Executive Session reconvened at 9:00 PM.

A motion by Long second by Sarfert to grant variance for Ebersole Excavating with the condition the applicant is required to construct a buffer the entire length of the northern most tract (Tract #3 applicants Exhibit I), The buffer is to be in compliance with Section 1005. of Zoning Ordinance and is to be installed prior to the occupancy permit for proposed addition. Motion carried.

A motion by Long second by Sarfert to deny the Zimmerman Variance. Motion carried.

Solicitor Stine stated they would receive a written decision in the mail in a few weeks. There is an appeal period of 30 days. The township usually requires the applicant should wait the 30 days before issuing the Zoning Permit.

Meeting adjourned at 9:12 PM.

Respectfully submitted,

Eleanor Long, Secretary