

**WEST HEMPFIELD TOWNSHIP
3401 MARIETTA AVENUE
LANCASTER, PA 17601**

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
SPECIAL MEETING
January 15, 2013**

A special meeting of the West Hempfield Township Zoning Hearing Board met in the meeting room of the West Hempfield Township Building at 3401 Marietta Avenue, Lancaster, PA, on Tuesday, January 15, 2013. Gary Lintner called the meeting to order at 7:30 P.M. Board members Amelia Swiernik and Daryl Peck were also present, along with Rhonda Adams, Court Reporter; Bernadette Hohenadel, Solicitor; Jodi Grove, Zoning Officer and Darlene Diffenderfer, Recording Secretary.

Case 1160 - Joseph Meyer (Allimax Farm)

A second special meeting was called at the special meeting held January 3, 2013 to continue this application to a special meeting with testimony remaining open for the request for modification of some of the conditions placed in the 2008 decision. Testimony in the appeal portion of the application was closed at the January 3, 2013 meeting.

Ms. Hohenadel stated that she had received briefs from Mr. Rausch and Ms. Cleary which will be reviewed by the Board as supplements to the testimony already given and will be taken into account when making their decision.

It was noted that Mr. Mullen and Mr. Baum were granted party status at the January 3, 2013 meeting. Diana Marshall, 795 Kames Hill Road, Columbia, PA was present January 15, 2013 and requested that she be included in those granted party status. Ms. Hohenadel pointed out that anyone else present could make a statement even though they did not request party status.

Motion: Daryl Peck moved, seconded by Amelia Swiernik, to grant party status to Diana Marshall. Carried 3-0.

To present the request for modifications of some of the conditions imposed in the 2008 decision, Mr. Rausch called Mr. Meyer as his witness. It was determined that Mr. Meyer was still under oath from the previous hearings.

Mr. Rausch presented Applicant Exhibit #14 which Mr. Meyer described as a larger scale map of the property in question to clarify changes he wants to make for his use of the property.

Mr. Rausch requested that Mr. Meyer make marks on the map to indicate the existing pole barn, the barn used as a stable, the existing Baum property next to the pole barn, the two poultry houses located south of the barns, and two ovals which Mr. Meyer stated were proposed arenas adjacent to the west side of the poultry houses.

Mr. Meyer also labeled a hatched area adjacent to the poultry houses as parking areas. He stated he does not currently lease the poultry houses, but plans to lease or purchase them along with additional acreage.

Mr. Rausch asked Mr. Meyer to state what his uses would be on this property if his plans went forward to lease the poultry houses and the additional acreage. Mr. Meyer stated the primary reason to rent additional acreage is so he could have all of his breeding operation at this location and he would grow hay and raise horses on the remaining acres. Mr. Meyer added that he would continue the horse boarding facility and horse riding facility that were approved in 2008.

Mr. Meyer stated the two poultry houses are currently used by the property owner to store sheetrock. Mr. Meyer stated it is his intent to use the poultry houses for all horse uses to include horse stalls, indoor riding areas and housing livestock. He stated the outside of the buildings as well as the interiors would need to be completely renovated before he could build stalls, riding areas and a reception area for incoming customers.

Mr. Meyer stated that, after the poultry houses were renovated, his use of the pole barn and stable barn would revert entirely back to farm use for livestock, agricultural storage such as hay, and a shop area.

Mr. Meyer stated the horse riding facility and horse boarding facility would be moved to the poultry houses with all activity beginning and ending at the poultry houses. Using Exhibit 14, Mr. Meyer indicated trail rides would start towards the back of each of the two poultry houses, proceed west around the proposed arena and then south to the existing trails. He stated the trail rides could end back at the poultry houses.

Mr. Meyer stated there would be no need for any customers to use the current pole barn and shed facilities. He added that the parking in that area would be used only by staff and for equipment parking with no customers using that area for parking.

Mr. Meyer stated the poultry houses are located approximately 300 feet from the Baum property and are even further from the Mullen property.

Mr. Meyer stated that, by moving the parking area, the wagon used for hayrides would no longer have to use Kames Hill Road. He stated it would be kept at the poultry barn and could stay on the farm property for hayrides without entering Kames Hill Road. He added that 30 parking spaces would be possible at the poultry house location. Mr. Meyer stated that currently the wagon is kept at the area of the pole barn because that is the area he currently leases. He stated customers currently drive to the poultry house or walk to the paddock area adjacent to the Baum property and the wagon is loaded in that area.

Mr. Meyer stated that he would no longer tie any horses in the pasture adjacent to Mr. Baum's property if he were able to move his operations to the poultry houses. He stated some areas would still be used for practice work, but the majority of instruction would be moved to the area of the proposed arenas. He stated the two proposed arenas would be used for riding instruction, riding practice, training horses; the same kinds of activity currently done in the paddock.

Mr. Meyer stated the arenas would be 100 feet by 220 or 240 feet with fences four feet high around them. He stated there would be no seating at the arenas; that any spectators would have to stand along the fence.

Mr. Meyer stated that any pony parties or birthday parties would be held in the poultry buildings. Mr. Meyer stated there is an area 42 feet wide between the two poultry buildings that could be used for a customer area with picnic tables which could possibly accommodate any outdoor party activities.

Mr. Meyer stated the meadow area he referred to is located at the southwest corner of the property next to the Chickies Creek.

Mr. Rausch presented Applicant Exhibit #15 which Mr. Meyer described as a sketch of the two proposed arenas with a pole light proposed between the two arenas. Mr. Meyer stated he proposes beginning with a standard dusk to dawn light attached to a pole 20 feet high, but would move to two flood lights if the dusk to dawn light did not provide sufficient lighting for the arenas. He stated the light would only be on from dusk to 9 PM.

Mr. Meyer stated the lighted arenas would be used after dusk for activities such as riding lessons to keep his students on a regular lesson schedule. He stated other after dusk activities would include 4H Club meetings and meetings of the Equestrian Club which are mainly indoor activities. He added that the proposed indoor riding area in the poultry barns would also be utilized after dusk, but no later than 9 PM. Mr. Meyer stated that all trail rides and wagon rides would end at dusk.

Ms. Hohenadel questioned what the blue shaded areas on Applicant Exhibit 14 indicated. Mr. Meyer stated these markings indicated wooded areas with the exception of the area next to the poultry houses. He stated those blue areas are driveway and parking lot.

Ms. Cleary questioned what the area on Applicant Exhibit 14 outlined in pink indicated. Mr. Meyer stated this was the PPL property. Ms. Cleary questioned whether Mr. Meyer had received permission from anyone at PPL to cross their property with trail rides. Mr. Meyer stated the deed to the farm is from the 1950's and states the owner retains the right of crossing. He added that PPL has not responded to his June 2012 letter regarding this matter.

Ms. Cleary questioned how many additional acres Mr. Meyer planned to lease from Mr. Hess. He stated his goal is to eventually lease or purchase the entire 113 acres and has an oral agreement with Mr. Hess. He added that it would be impossible to draft a written agreement until approval is received from the Township.

Ms. Cleary questioned whether Mr. Meyer knew when he could occupy the poultry houses if the Zoning Hearing Board granted his request. He stated he planned to rent half of the south poultry house as soon as possible, the north side of the farm by spring or summer 2013 and occupy the entire farm within 18 months. He stated that he would move all customer activity to the poultry house area as soon as permission was given and enough square footage was available.

Mr. Meyer stated the timing of moving his activities to the poultry houses is all contingent on Mr. Hess and how soon those buildings become available for Mr. Meyer to rent. He stated which activities are moved first depends on how much area of the buildings are available to him, but it is his intention to move all customer activities as soon as possible as the space becomes available.

Ms. Cleary questioned whether Mr. Meyer would begin having activities to 9 PM at the pole barn if the Board grants his request for modification of the 2008 conditions. Mr. Meyer stated he would accept a condition that allows activities to continue to 9 PM to apply only to activities at the poultry buildings.

Ms. Hohenadel asked for clarification as to what activities would be conducted between dusk and 9 PM. Mr. Lintner stated he was also concerned about this because some activities have been conducted on the property past dusk even though that was prohibited in the 2008 decision. Mr. Peck stated it was his understanding that Mr. Meyer was saying that activities from dusk to 9 PM would be limited to only the new poultry barn area and none in the existing facilities such as the pole barn. Mr. Meyer agreed that was correct.

Ms. Hohenadel questioned if this included both indoor and outdoor activities. Mr. Meyer stated the poultry barn area would only include the arena and the poultry barn; that no new outdoor area would be added. Mr. Meyer stated that all current activities at existing facilities would cease at dusk.

Discussion followed and Ms. Swiernik and Ms. Cleary expressed concern that, if the outdoor arenas are completed first, Mr. Meyer could move his riding lessons to that area and operate to 9 PM while customers would continue to check in at the existing facilities if the poultry buildings were not yet available for use.

Mr. Meyer stated that his first priority would be to move the lesson program from the existing facilities to the poultry building area. He stated this would require the installation of six stalls in the building which would not take long once the building was available for his use. He estimated that Mr. Hess would vacate the building by early to late Spring.

Ms. Cleary requested that Mr. Meyer present the Board with a specific plan for performing specific things on the property. Mr. Meyer stated his intentions could be affected by other factors beyond his control; that he could make promises, but if Mr. Hess does not vacate the building, he would not be able to keep those promises.

Ms. Cleary questioned whether it was Mr. Meyer's testimony that he was requesting that any indoor activity could be conducted after dusk. Mr. Meyer stated he was requesting this for any indoor activities and for the riding activities in the outdoor arenas. Mr. Meyer stated that indoor activities could include parties, but noted that only a few of those have exceeded 20 people in the past.

Ms. Cleary questioned how Mr. Meyer planned to ensure that any party was shut down and all the people gone from the property by 9 PM. Mr. Meyer stated he would schedule parties early enough that it would not run late, he would inform guests at 8 PM it was time to start wrapping up, and be sure they were gone by 9 PM.

Mr. Meyer stated he was committing to the Board that all customers and their cars would be off the property by 9 PM, and that all lights would be off, except for employees taking care of horses, by 9 PM.

Ms. Cleary questioned how Mr. Meyer was going to mark the parking spaces in the proposed parking area. Mr. Meyer stated the area would be crushed gravel and he would use marker paint or lime to mark the spaces. He stated he would refresh them as necessary.

Ms. Cleary questioned how Mr. Meyer calculated there could be 30 parking spaces in the proposed area. Mr. Meyer stated he used 12 feet wide by 24 feet long to measure out each space. He stated the aisles would be 30 to 35 feet and referred to the parking sketch included with his application. It was noted that there were no measurements indicated on this sketch of the proposed parking area.

Ms. Cleary stated the proposed parking area by the poultry houses is indicated as "overflow parking area" and questioned where the principle parking area was located. Mr. Meyer stated that currently the primary parking area is on the corner by the barn, but would no longer be used if approval was received to move activities to the poultry houses. He added that the proposed parking by the poultry houses would be the primary parking area when activities are moved to the poultry houses. He stated he would accept a condition that no parking be permitted on any grassy areas if his request is approved.

Ms. Cleary referred to Applicant Exhibit 15 and questioned Mr. Meyer's testimony as to exactly where the light pole would be located, and exactly how many light poles would be erected. Mr. Meyer stated he would place only one light pole and it would be located between the two arenas as shown on his drawing.

Ms. Cleary questioned Mr. Meyer's recall of testimony given in 2008 that he would not be using the poultry house area for his horse boarding or horse riding operation. Mr. Meyer replied that he did not recall specific testimony. Ms. Cleary referred to page 9 of the 2008 transcript and noted that testimony states the chicken houses were used for storage. Mr. Meyer stated that he did not lease the chicken houses in 2008.

In redirect, Mr. Rausch asked Mr. Meyer to define what he means when he uses the term parties as part of his horse riding facility. Mr. Meyer stated that he was referring to pony parties which is an activity involving children getting pony rides as part of a birthday party. He stated he provides the pony rides and the person reserving the party sometimes brings cake, snacks and drink for the guests. He stated that these events always have a pony ride connected to it; that he does not rent space to someone to just have a party.

Mr. Meyer stated the pony ride parties could be held in the proposed indoor riding area in the poultry building or the outdoor arena up to 9PM, but all trail rides or wagon rides as part of a party would end at dusk.

Mr. Meyer stated that he would need to obtain a permit from the Township to convert the area by the poultry houses to parking spaces.

Ms. Cleary questioned Mr. Meyer's commitment to never have parties without a pony ride. Mr. Meyer replied that there would always be some sort of horse activity involved with a party. He stated parties for older children include a trail ride rather than a pony ride.

Ms. Cleary questioned what kind of limit there would be for the number of people in attendance at the parties. Mr. Meyer stated there have only been three parties that exceeded 50 attendees. He stated that he would agree to a

condition that the number of attendees at a party could not be more than 50. He added that the number 50 would include everyone attending, not just those participating in the horse activity of the party.

Ms. Cleary then asked how many parties of 50 people each he could accommodate at one time. Mr. Meyer stated he would agree to a condition that there would be only one party on the premises at one time. He added that trail rides and horse riding lessons could be taking place at the same time as a party, but that number would not exceed 17 people at one time since there is a maximum of 17 horses available. He stated the size of these other activities could be limited by conditions the Board may place.

At this time, those granted party status were given an opportunity to ask Mr. Meyer questions.

Mr. Baum asked for clarification on the number of horses Mr. Meyer would have on the farm. Mr. Meyer stated he would have 17 horses for use in his riding/boarding facility. He also stated that, if he receives approval of his modification request, he would have 25 to 30 additional horses on the premises as part of his breeding/agricultural operation.

Mr. Baum referred to Applicant Exhibit A14 and questioned what the blue markings indicated. Mr. Meyer stated the blue shaded areas indicated wooded areas on the property.

Mr. Baum questioned what direction any flood lights would be aimed if they were used instead of the standard dusk to dawn light. Mr. Meyer drew 4 directional arrows on the original copy of the Exhibit to indicate the four areas of the outdoor arenas at which the lights would be directed. Mr. Meyer stated there would be no stadium lighting in place and there would be no lights placed around the perimeter of the outdoor arenas.

Ms. Marshall stated her questions were in regards to the parking issue. She asked whether Mr. Meyer marked anything for the 10 parking spaces required in 2008, and he replied that he had. She asked Mr. Meyer to describe what his markings were to direct people to where they were to park. Mr. Meyer replied that the parking spaces were always marked with lines.

Ms. Marshall questioned whether Mr. Meyer had signs erected to direct people from the parking spaces to where they should enter the building. Mr. Meyer stated he added to the parking signs as problems were pointed out to him to direct people along the barn. Ms. Marshall asked what adjustments were made in 2010 to this signage. Mr. Meyer stated he had two large banners made that helped to direct people to the entrance.

Ms. Marshall asked when Mr. Meyer erected the yellow chain link to delineate a portion of the parking area. He replied he placed this in March 2012. Ms. Marshall asked when he erected the signs that say "Allimax parking." Mr. Meyer stated these were also erected in March 2012.

Ms. Marshall asked what Mr. Meyer would do immediately for the new proposed parking area to keep people from wanting to continue using the current parking area. Mr. Meyer stated that, as soon as approvals are given and the business activities are moved, he will chain off the existing parking lot and no one will park there. He added that all signage will be changed to redirect parking. He stated he would request a new Kames Hill address from the Township for the new parking area so that customers could properly locate it, especially if using a GPS.

Ms. Marshall asked how many signs Mr. Meyer would have to mark the new parking area and when he would do it. Mr. Meyer replied that, when the business activities are moved, he would immediately and appropriately mark all the entrances with directional signs so people know where to park. He stated he would have the signs ready so that the movement of activity and erection of signs would all happen at one time.

Mr. Mullen questioned where in Mr. Meyer's application for modification of conditions it mentioned moving activity

into the chicken houses and requested that Mr. Meyer read his application for modification into the record. Mr. Lintner allowed this request and Mr. Meyer read that portion of his application into the record. Mr. Mullen questioned whether anything in what Mr. Meyer read referenced any request to move activities into the chicken houses. Mr. Meyer replied that it did not.

Mr. Mullen questioned whether Mr. Meyer included a survey drawing with his application indicating the area of the chicken houses that shows the scale and measured parking spaces, turn around areas and backup areas. Mr. Meyer replied that he did not.

Mr. Mullen questioned whether Mr. Meyer's application included any sort of written agreement with his landlord stating that this area was available for Mr. Meyer's rental. Mr. Meyer replied that he did not.

Mr. Mullen questioned whether Mr. Meyer had obtained any estimates on the cost of refurbishing the poultry houses into useable space for the horse facility to which Mr. Rausch objected. Ms. Cleary stated that, while cost cannot be used as a determining factor in a zoning case, obtaining estimates would show intent to follow through with the plans. The Board allowed the question and Mr. Meyer replied that he had not obtained any cost estimates.

Mr. Mullen questioned why Mr. Meyer did not present any engineering drawings or survey drawings as part of his application or whether it was Mr. Meyer's intent that his testimony alone would serve as proof of what he proposed. Mr. Meyer replied that when the application was submitted it seemed that the drawing provided was sufficient.

As a redirect question, Mr. Rausch asked Mr. Meyer whether he needed resolution from the Board regarding his request before them before moving forward with any serious plans. Mr. Meyer affirmed that was what he needed before going forward.

After a five minute recess, the parties of interest were given an opportunity to present testimony on their behalf.

Diana Marshall Boyle was sworn to provide testimony. She stated she wanted to state some facts that she has seen as an observer from her property and how it has impacted them. She stated that parking is the main issue that they have had problems with which makes Mr. Meyer's new proposal a concern. She stated that, in the past, they have called Mr. Meyer and the landlord, Mr. Hess, regarding the parking issues. She added they had also called the Township office regarding issues, and the records of the Township police department would show that they had called the police to address various altercations with Mr. Meyer's customers who had parked on her property.

Mr. Lintner asked Ms. Marshall Boyle if conditions improved after Mr. Meyer made adjustments to the signage on his property. She replied that it was better, but did not end all of the problems.

In regards to Mr. Meyer's request for some activities to continue after dusk, Ms. Marshall Boyle stated that it has been her observation that Mr. Meyer has not abided by the Board's decision of 2008; that there are parents waiting in the parking lot for their children after dusk with their car's headlights shining into the Mullen/Marshall Boyle house.

Mr. Rausch asked Ms. Marshall Boyle if she thought moving the customer parking to the area of the poultry houses would alleviate the problems she has experienced. She replied that she did think it would improve the situation.

At this time, Mr. Peck stated he wanted to clarify an issue he thought had been misunderstood. He pointed out that the 2008 decision required a minimum of 10 parking spaces; that it does not mean there cannot be more than 10 spaces.

Kevin Mullen was sworn to provide additional testimony. Mr. Mullen stated that the police log of West Hempfield Township will reflect the numerous occasions that his family has called for action regarding people parking on their property. He stated he had requested a written report from the police, but was told it would be in the log.

In summation, Mr. Rausch stated that the brief he submitted includes argument on the modifications, but he wanted to address the one issue of parking. He stated that, since parking was a part of the 2008 decision, a modification was requested, but the use of the poultry barns was not included because it was their opinion it was not necessary.

In her summation, Ms. Cleary stated the applicant has not requested modification of any of the necessary conditions to do what he has testified he wants to do. She stated condition #8 of the 2008 decision mentioned complying with the testimony. She stated that his description of the use did not include the poultry houses, did not include a customer service area or much of what he described at this hearing of his proposed use.

She stated that he also did not request a modification of the condition that says a maximum of 17 horses are allowed on the property; that this condition did not refer to 17 horses for a use, but 17 horses on the property. She added that, in 2008, Mr. Meyer's testimony did not separate horses between agricultural use and the horse facility.

Ms. Cleary stated that Mr. Meyer did not request a modification of condition #6 that all trail riding be on the Hess property, not PPL property. She pointed out that it is not for the Board to determine whether or not Mr. Meyer has the right to use the PPL property.

Ms. Cleary stated that modification of conditions are usually warranted by changes. She stated the applicant did not present any testimony to indicate changes to the neighborhood or his lease to warrant the requested modifications. She stated the Board can take into account what someone does when they violate the ordinance and then come back and ask for approval to do what they have been doing without approval.

At this time the parties of interest were given an opportunity to make a final statement. Ms. Hohenadel requested that everyone be brief and not be repetitive of what has already been stated.

Ms. Marshall Boyle stated that Mr. Meyer has been in violation of the 2008 decision and she does not understand how he can then ask and be approved for more.

Mr. Mullen stated that Mr. Meyer has violated each condition of the 2008 decision and sees no reason why the neighbors or the Township should expect him to comply with any new conditions on an expanded variance. He stated that the applicant never communicated with any of the surrounding property owners before presenting his current proposal to change and expand the horse operation.

Harry Signor, 4598 Fairview Road, Columbia, PA stated that he thought moving the parking area and horse facility activity to the chicken houses would just move the problem from one area to another. He stated that operating the business from the chicken houses would have impact on the neighbors further down Kames Hill Road.

There being no further testimony or statements, Ms. Hohenadel stated the record will be closed. The Board members stated they would confer with Ms. Hohenadel individually before the next meeting scheduled for February 12, 2013 and would render a decision at that meeting.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to close testimony on Case 1160. Carried 3-0.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to continue Case 1160 to the meeting of February 12, 2013 to render a decision at that time. Carried 3-0.

Mr. Rausch stated that his applicant would waive the time limitations for a decision to be rendered if necessary. He also moved to admit Applicant Exhibits #14 and #15 into the record.

Zoning Hearing Board Minutes
Special Meeting
January 15, 2013
Page 8

Motion: Amy Swiernik moved, seconded by Gary Lintner to adopt Applicant Exhibits #14 & #15 as part of the record.
Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 10:30 P.M.

Respectfully submitted,
Daryl S. Peck
Secretary