

Manheim Township Zoning Hearing Board Minutes
Wednesday, November 3, 2021
6:30 P.M.

Attendance:

David Wood	Present
Greg Strausser	Present
David Beyer	Absent
James Stephens	Present
Jane Macedonia	Absent

The Zoning Hearing Board, Zoning Hearing Board Solicitor, Neil Albert, and Assistant Zoning Officer Samuel Maurer were in person in the Morgan Center located at Manheim Township Library.

Chairman Wood announced that the Pennsylvania Covid 19 related directives were rescinded the Zoning Hearing Board and the applicants would be heard in person at the Manheim Township Library. The zoom availability is only for the public to watch the meeting without participation.

Chairman Wood called the regular meeting to order and requested a roll call and announced the agenda. Zoning Hearing Board members in attendance in person at the Manheim Township Library building. Mr. Wood stated that there is a quorum.

The meeting was not stenographically recorded.

Chairman David Wood announced that there will be no hearing tonight, and this is a Zoning Hearing Board meeting for continuity purposes.

Zoning Hearing Board Solicitor Neil Albert asked Samuel Maurer, Assistant Zoning Officer, if the current updated agenda was posted on the Manheim Township website, and it was placed on the Manheim Township Municipal Building and as well as the Manheim Township Library, and the copies of that are available to the public here at the meeting tonight? Mr. Albert also asked, is that the updated agenda that announces that we will not be holding hearings tonight? Mr. Maurer stated "yes" to all the above questions.

Mr. Albert also announced that due to a defect in the advertising of the notices for the Zoning Hearing schedule for tonight, the hearings will not be held, and this meeting is being held for the sole purpose of voting to continue the cases until the following month.

Mr. Wood explained that the Zoning Hearing Board will be voting to continue these scheduled five cases to the December meeting. Mr. Wood asked if there are any other cases submitted for the December meeting.

Zoning Officer Lisa Douglas stated that there were two more cases that was submitted for the December Zoning Hearing Board meeting and will be heard on December 6, 2021. If any other cases are submitted on November 3rd through November 5, 2021, they would be placed on the January 4, 2021, Zoning Hearing Board meeting. This will be in accordance the Pennsylvania Municipalities Planning Code 60 days rule.

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Matthew Crème, Attorney for RNJ Washes LLC, made the following statement.

This does present some difficulty for us. We think that we are able work through it. We have an agreement of sale that requires us to go to closing on November 23, 2021. Obviously, we would not have our zoning approvals and that would present a significant risk not only to the applicants but also to our lender. We have been in this process, because it required a text amendment, since May and encountered the typical process of a mandatory two meetings with the Planning Commission and a mandatory two meetings with the Commissioners and I know it never been the policy of this board, as it is with some zoning hearing boards, to make no oral decisions the night of the presentations and deferring everything to a mandatory second meeting of the Zoning Hearing Board.

Mr. Wood noted that this Zoning Hearing Board rarely continued cases.

Mr. Creme stated that he is making this request at the suggestion of the sellers, the Stauffers, for a confirmation that the Manheim Township Zoning Hearing Board have not changed your rules. And that in December we have a have a good expectation of an oral decision. That is all that we are asking of the Board tonight.

Mr. Wood summarized to Mr. Cream: What you are asking for tonight, Matt, that this is a hardship on the applicant because of this delay, and the Township is just complying with the law. Mr. Wood and Mr. Cream agreed that the public notice is the one thing that is strictly enforced. Mr. Wood stated that there was a discussion prior to this meeting and decided that there is no way to work around of continuing the cases. Mr. Wood also stated that the Board cannot guarantee anything.

Mr. Creme stated that we are not asking the Zoning Hearing Board to give up their discretion.

Mr. Wood stated that the Zoning Hearing Board wants the public to be heard, and because of weighted arguments by the public, that cases have continued in the past for that reason.

Mr. Albert stated that many applicants request a decision the same night of the hearing.

Speaking to Mr. Wood, Mr. Crème stated to be clear that all we are asking is for confirmation that you have not changed your rules were every case goes to second session for a decision. Mr. Wood stated that we have not changed our rules regarding continuing cases.

Mr. Stephens moved to continue cases PLZHB21423 through PLZHB21427 inclusive, to the December Zoning Hearing Board meeting as regularly scheduled. Mr. Strausser seconded the motion. The motion was approved 3-0.

This meeting was adjourned at 6:40 PM. The next regularly scheduled Zoning Hearing Board meeting will be held on Monday, December 6, 2021, at the Manheim Township Library, 595 Granite Run Drive, Lancaster, Pa. 17601

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<https://manheimtwp.sharepoint.com/sites/Planning/Shared%20Documents/General/Zoning%20Hearing%20Board/MINUTES/2021/11032021%20ZHB%20minutes.doc>