

The regular meeting of the East Hempfield Township Zoning Hearing Board (ZHB) was held on Monday, January 18th, 2021 at 7:00 p.m. at the Township Municipal Building, 1700 Nissley Rd, Landisville, PA. Members present were Elam Herr, Mark Hansen, Andrew Loose, Greg Kile and John Bingham. Also present were Attorney Jason Hess, Zoning Officer Colin Siesholtz and a court reporter.

The meeting was called to order at 7:04 p.m. by Chairman, Mr. Herr, who led the Pledge of Allegiance.

The first order of business was the 2021 reorganization of the ZHB. Mr. Hansen made a motion to retain Elam Herr as Chairman, Mark Hansen as Vice-Chairman, and Andrew Loose as Secretary.

The motion was seconded by Mr. Kile, which carried 5-0.

Mr. Hansen made a motion to retain Jason Hess and the firm of Morgan, Hallgren, Crosswell, & Kane, P.C. as legal counsel to the Zoning Hearing Board.

The motion was seconded by Mr. Loose, which carried 5-0.

Mr. Bingham made a motion to approve the December 21st minutes as amended. The motion was seconded by Mr. Kile, which carried 5-0.

Old Business:

Case No. 2423: Always Never Done LLC, 3090 Harrisburg Pike, seeking a Special Exception approval for the expansion of a nonconforming use.

Present for the applicant was Amy Geib, Owner of Always Never Done LLC and 3090 Harrisburg Pike, and Cristina Klausmair of **Déjà vu Consignment Shop**.

The ZHB admitted into evidence the following:

- Exhibit 1- Parking Diagram
- Exhibit 2 - ITE Parking Study (Variety Store)

Mr. Bingham made a motion in Case No. 2423 to grant the special exception request pursuant to Section 270-6.6 to allow the expansion of a nonconforming use for the property at 3090 Harrisburg Pike, subject to the following conditions:

1. The applicant must provide 13 designated parking spaces that meet the East Hempfield Townships parking regulations
2. The Board's standard conditions.

The motion was seconded by Mr. Loose, which carried 5-0.

Case No. 2422: Fox Construction, 2316 Dairy Rd, seeking a Variance approval for an accessory structure setback.

The applicant submitted a withdrawal request for Case No. 2422.

Mr. Hansen made a motion to accept the withdrawal request by the applicant in Case No. 2422. The motion was seconded by Mr. Bingham which carried 5-0.

Case No. 2420: New Cingular Wireless PCS, LLC, d/b/a AT & T Mobility, 1290 Rohrerstown Rd, seeking Special Exception and Variance approval for a small cell wireless facility.

Present for the applicant was Attorney Chris Schubert, from Riley Riper Hollin & Gregco.

The applicant submitted a continuance request for up to 6 months for ZHB Case No. 2420. The applicant will provide a 45-day notice to the Township to advertise.

Mr. Hansen made a motion to accept the continuance request in Case No. 2420. The motioned was seconded by Mr. Bingham, which carried 5-0.

Case No. 2419: New Cingular Wireless PCS, LLC, d/b/a AT & T Mobility, 1030 Rohrerstown Rd, seeking Special Exception and Variance approval for a small cell wireless facility.

Present for the applicant was Attorney Chris Schubert, from Riley Riper Hollin & Gregco,

The applicant made a request to amend the application as follows:

- Request variance to section 270-5.2Q2B3Nii.

Mr. Hansen made a motion to amend the application as presented. The motioned was seconded by Mr. Bingham, which carried 5-0.

The ZHB admitted into evidence the following:

- Exhibit 1- ZHB Application
- Exhibit 2 - Affidavit of Notice to nearby properties
- Exhibit 3 - Street view location
- Exhibit 4 - Deed
- Exhibit 5 - Letter of authorization from property owner
- Exhibit 6 - Photo simulations
- Exhibit 7 - Alternate candidate report
- Exhibit 8 - FCC TowAIR Report
- Exhibit 9 - FCC Licenses for City of Lancaster/New Cingular Wireless PCS, LLC
- Exhibit 10 - RF design report
- Exhibit 11 - FCC compliance report
- Exhibit 12 - Plans for small cell installation
- Exhibit 13 - Structural report
- Exhibit 14 - C.V. of Shaun Paul
- Exhibit 15 - Completeness review from Zoning Officer
- Exhibit 16 - Completeness review response letter

Mr. Hansen made a motion in Case No. 2419 to grant the special exception request pursuant to Section 270-5.2Q2B2D and variances to the following sections ,270-5.2Q2B3F(i), 270-5.2Q2B3F(ii), a 15.5' variance to section 270-5.2Q2B3N(iv) for a total setback distance of 28.5' to the property line and 270-5.2Q2B3N(ii), to allow the installation of s small cell facility located at 1030 Rohrerstown Rd, subject to the following conditions:

1. The Board's Standard Conditions
2. The small cell facility can be no greater than 40' above grade

The motion was seconded by Mr. Bingham which carried 5-0.

The meeting adjourned at 9:37 p.m.