

7-8-2019

**PEQUEA TOWNSHIP
ZONING HEARING BOARD
Minutes of – July 2nd, 2019**

The members of the Pequea Township Zoning Board met on July 2nd, 2019 in the conference room of New Danville Fire Company.

The ZHB meeting was called to order by Vice Chair Rob Mellinger @ 1900 hrs.

ZHB Members Present: Jeffrey Kreider, Mark Meyer, Tom Haas, Don Humsher and Rob Mellinger

Court Reporter: Lisa Miller

ZHB Solicitor – Janice Longer

Zoning Officer: Mark Deimler

ZHB Held its reorganization meeting prior to starting the regular scheduled meeting as follows:

Rob Mellinger – Chairman, Mark Meyer – Vice Chair, Don Humsher – Secretary
Solicitor – Janice Longer

Old Business: A motion was made and seconded to approve the December 4th, 2018 minutes, all approved.

New Business:

A request by Benueal Stoltzfus for a variance from provisions of Section 702 and 1423 of the PTZ Ordinance. Property is located @ 801 Millwood Rd., Willow Street PA. 17584.

Applicant was issued a notice of Cease and Desist for selling Chicken BBQ at the farm stand and signage advertizing his farm stand and his Chicken BBQ. Zoning Officer determined neither of these were in compliance with current Pequea Township Ordinance.

The Hearing:

Mark Deimler, Benueal Stoltzfus (Property Owner), Elam Stoltzfus (son of owner who resides at the address) John Johnson, Martin Harnish, Gale Smith, Thomas and Julie, Boyd, and we all sworn in.

Attorney Jeff Shank was representing Mr. Stoltzfus.

Mark Deimler testified the hearing was posted in the Lancaster News Paper on 6-18 and 6-25-2019. Property is in the R2 district, has 2 Houses, various farm buildings and a Farm Stand which are all in compliance, the issue was the signage being used and the selling of Chicken BBQ on Saturdays. Mark Deimler's interpolation of the PA Right to Farm Act did not provide for selling Chicken BBQ.

Mark also testified the signage issue has been resolved; the only item to resolve does the Chicken BBQ fall under the PA Right to Farm Act.

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Tom Haas asked how many acres there was with this property – 6.1 acres

Attorney Shank testified and read excerpts from the PA Right to Farm Act, poultry was included as an Ag Product.

The PA Right to Farm Act gives farmers specific rights to sell their products at Farm Stands as long as at least 50% of the product being sold is grown / raised on the existing farm.

Elam Stoltzfus showed ZHB Members aerial view of property and building.

Elam also testified he has all the appropriate State and Local Certificates / License needed for handling and cooking the chicken. Chicken (legs and thighs only) are bought from the outside, prepared on a grill behind house, stored in a cooler on the porch and sold the same day. Elam testified that approx. 60% of product sold at this stand are grown on this property.

The stand is open 6 days a week from 0800 hrs to 1900 hrs.

Elam also noted he does not raise his own chickens, doing so would require manure management plans and other issues.

Janice Longer questioned parking and turn around areas, Elam showed aerial view, has 3 spaces with plenty of turnaround area, and if more is needed he uses front yard.

Janice also questioned how often Elam sells this chicken. Elam noted Saturdays only; stand is open from 0800 hrs to 1900 hrs. And he would only sell from April thru October.

All the sworn interested party's testified they have no issues with Elam selling the chicken BBQ, how thrilled they were to have this stand local to them. Praise was giving for how well he keeps the property and how good a neighbor he was.

Mark Deimler testified the Township and the Stoltzfus have always worked well to resolve any issues, he also testified he really does not have an issue with the Chicken BBQ, was just following his interpolation of the Ordinance and the PA Right to Farm Act. All signage issues have been resolved.

ZHB entered into an Executive Session @ 2010 hrs. to review testimony and needed info pertaining to variance.

Regular ZHB meeting reconvened @ 2035 hrs. hrs.

Jeff Kreider made a motion to grant needed variance to sell the Chicken BBQ, seconded by Mark Meyer with the following stipulations:

Saturday's only, 0800 h 1900 hrs, April thru October:

Must comply with all township signage requirements:

Granted only to Elam Stoltzfus, any new or future owner will need to come in front of the ZHB for approval.

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Vote: 4 to 1, Rob Mellinger opposed.

Decision:

The Zoning Hearing Board of Pequea Township, at a hearing on July 2, 2019, granted your request to sell barbecue chicken from an existing farm stand at 801 Millwood Road, Willow Street, PA subject to the following conditions:

- (i) The sale of chicken barbecue from the existing farm stand will occur only on Saturdays during the months of April to October and between the hours of 8:00a.m. to 7:00pm.
- (ii) Applicant will comply with all Township regulations concerning signs for the farm stand and obtain any necessary sign approvals;
- (iii) Applicant shall conduct the chicken barbecue operation in accordance with the information and representations submitted with and contained in its application and the evidence presented to the Board at the hearing held on July 2, 2019.
- (iv) Upon any change in ownership of the property, the new owner must apply to the Zoning Officer to continue the chicken barbecue.

This Meeting was adjourned at 2042 hrs.

Respectfully Submitted



Mark Meyer
Pequea Township ZHB Secretary

Legua Township

Zoning Hearing Board Mtg. 7/2/19

1. ~~Matt Kahl~~
2. maddie kahl
3. Julia Boyd
4. Thomas Boyd
5. Matt Bleacher
6. Jeff Shank
7. Elan and Mary Stoltzfus
8. Benueel Stoltzfus
9. Dave W. Smith
10. Dick Shank
11. Rachel DeMonaco
12. Melvin Hostetter
13. JOHN NAYLOR
14. John Johnson
15. James Hornsby
16. Kym C Feltman
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