

Dover Township
Zoning Hearing Board
June 15, 2022

Chairman Jane Ginter called the meeting to order at 7:00 p.m. Members present: Phillip Brown, Robert Wright, Richard Pope, and alternate Jonathan Reynolds. Also present: Building and Codes Inspector Garry Waltersdorff [present on behalf of Zoning Officer John McLucas], Solicitors Mike Craley and Samantha Craley, Stenographer Tammy Rinehart, Recording Secretary, and 50 to 75 citizens.

Chairman Ginter reiterated that the purpose of the Zoning Hearing Board is to hear all cases, gather facts, hear testimony, and subsequently approve or deny applications for Variances, Special Exceptions, and interpretations by the Zoning Officer. The Zoning Hearing Board will consider all relevant facts and the proposal's overall impact on the health, safety, and welfare of the residents of the surrounding area. The Zoning Hearing Board can impose conditions on any approval. The Zoning Hearing Board doesn't make the zoning ordinance, as it is an interpretative body only. No further testimony is permitted after the hearing is closed.

I. Reorganization

[This item was *tabled* again.]

II. Minutes

No action taken. Minutes from December 15, 2021, January 19, 2022, February 16, 2022, March 16, 2022, and April 20, 2022, and May 18, 2022, still need to be approved.

III. Zoning Case

- A. ZHB 21-3, Special Exception request to permit a principal solar energy system (PSES) on various parcels in the Ag, Industrial, and R1 Zoning Districts; parcels include lands of D&D Bismark Partnership; Lamparter; Fissel; and Glen-Gery Corporation

Chairman Ginter publicly thanked Attorney Jones, Attorney Wilson, all expert witnesses, and all members of the audience who testified and/or asked questions. The Zoning Hearing Board has received and read all letters that were submitted to the Zoning Officer.

The Planning Commission unanimously recommended approval of this request. Anyone who wants to have a copy of the written decision should sign up to receive one.

The Board members *recessed* the meeting at 7:06 p.m., for an Executive Session.

At 7:34 p.m., the meeting reconvened. Attorney Craley addressed the audience saying that the oral decision will be given soon. Any party has 30 days from the date of the written decision within which to appeal tonight's decision. After the decision is read, there will be no questions or further discussion tonight by anyone.

Ruling:

Motion by Pope, second by Brown, to *approve* the request for Special Exception for PSES on various parcels in the Ag, Industrial, and R1 Zoning Districts on lands of D & D Bismark Partnership, Lamparter, Fissel, and Glen-Gery Corporation, *with the following conditions:*

- 1 -- The applicant shall have one year from date of this decision or one year from the conclusion of any appeals concerning this decision within which time to submit a land development plan;
- 2 -- All construction vehicles and traffic are prohibited from using the Butter Road bridge to access the Fissel property;
- 3 -- All PSES solar-related equipment and other accessory structures and buildings shall be set back a minimum distance of 75' from the property line of any non-participating adjoining property containing a residential structure and not intended to contain any part of the PSES system;
- 4 -- Fencing shall be installed between the required vegetative screening and the PSES panels so that the fencing will also be screened from adjacent properties by the vegetation when it is at full growth; and
- 5 -- All vegetative screening shall reach 8' in height within five years of planting.

Vote on the Motion: Three members voted aye; *Wright opposed.* Motion carried.

IV. Other Business

Nothing at this time.

Motion by Brown, second by Pope, to adjourn the meeting. All members voted aye; motion carried. The meeting adjourned at 7:37 p.m.

Respectfully submitted,
Julie B. Maher, Recording Secretary