

Conestoga Township BOS Minutes

May 2, 2023

BOS Meeting called to order at 7:00 pm by John Berry.

PRESENT – Supervisors: Chairman John Berry, Vice Chair Robert Hershey Jr. and Member Ron Wagner; Citizens (attendance attached).

MINUTES – Supervisors approved the BOS Meeting Minutes for April 4, 2023 on a motion by Ron Wagner and seconded by Robert Hershey Jr. All in favor – none opposed.

BILLS – The supervisors approved the bills for April 2023 on a motion by Robert Hershey Jr. and second by John Berry. All in favor – none opposed.

Business of the General Public

Old Business

Ron Wagner: Ron read a statement on the Pequea Agreement that the townships have both agreed to a resolve.

Ron Wagner motioned to move forward with the Pequea Agreement, seconded by Robert Hershey Jr.

John Berry: John invited Joe Devoy to comment on his request to be on the agenda.

Joe Devoy: Joe read a letter to address the board. He opened with he and his wife Danna enjoy living in Conestoga's community and thinks the people are wonderful. Joe said he purchased Sickman's Mill three years ago and it has a history of operating as a business for over 270 years. He stated that Sickman's Mill is zoned to do the activities involved in running his business and he had all the proper approvals. Joe went on to say he and his wife do not believe in fighting and making things into a big deal. He said they believe in listening, talking to people to find a direction forward and always try to be fair.

Joe stated he wanted to put issues dealing with harassment on public record. He said a resident has called the State Police, the Department of Environmental Protection, Zoning, Sewer Authority, LNP Media Group, Lancaster County Treasurer, and the Board of Supervisors in an effort to close Sickman's Mill. Another call was made to Bill Davis impersonating their accountant asking how many times Sickman's Mill has pumped their sewer. Joe stated in addition to these calls, he was emailed from an email address, James Harden at differentbreed909 with a threat to dismantle the Mill brick by brick.

Joe stated that lastly, Jeremy Eshelman has a vendetta against Sickman's Mill although he has not been a patron of his business. Joe said he has shown a clear agenda of wanting the Mill shut down. Joe requested that Jeremy Eshelman recuse himself from any township decisions concerning the Mill if he were to be elected Supervisor.

John Berry: John expressed his sympathy to Joe for having to undergo the events stated in his letter.

Robert Hershey Jr.: Robert had something to add to Joe's comments. He stated that Jason's Woods had also received emails from differentbreed909 and the emails have been submitted to the Township. He also requested that if Jeremy Eshelman is elected, he recuses himself from any Township decisions involving his businesses.

Dan Alexander requested Jeremy Eshelman recuse himself from making any township decisions involving him if elected Supervisor.

John Berry: John stated that he was asked on March 22, 2023, to investigate the archived minutes for conditional uses at Sickman's Mill. He said the Mill was used for camping, tubing, picnics, and the occasional wedding in the 1980's. He stated in the 1990's the residents had complaints about tubers and trash leading to the Zoning Officer suggesting the owner file for a special exception. John explained that the Mill was operating as a Haunted Attraction and noted that they had about 169 parking spaces and used the school for overflow at this time. John read statements made by Zoning that Joe must comply in order for Sickman's Mill to remain operational.

1. The property owner must apply to Conestoga Township Zoning Hearing Board for a special exception under section 1229, River Related Recreational Uses, of Conestoga Zoning Ordinance. This will address the existing recreational use and will allow conditions to be imposed on the outdoor bar at the property to extend not preempted by the State Liquor Code. This will also allow the Zoning Hearing Board to require the applicant to provide a plan for controlling noise, litter, parking, trespassing, sanitation, safe ingress and egress and traffic.
2. The property owner must apply to the Conestoga Zoning Hearing Board for a Special Exception as outlined in Section 1214 and 1217 of the Conestoga Zoning Ordinance. These sections address the use of a property in the Flood Plain-Conservation District. (As the uses for the existing Mill may be determined to not be a permitted use as a Special Exception, relief in the form of a Variance may also be required. It will be the applicant's responsibility to prove his argument before the Zoning Hearing Board).
3. The applicant must apply for Building permits as requested by the Building Code Official. The applicant has made formal application for Building permits as requested; however, they have not been issued as of the date of his determination.

John Berry: John stated that Joe has cooperated with Zoning and they do not plan on shutting him down, but he will have to apply for a special exception.

John made clear that these were his findings and reiterated that in the past he said the residents may not like the decision he makes however, it will be based on fact.

Maurine Fisco: Maurine asked John for clarity on what Joe is permitted to use his property for.

John Berry: John stated that Joe was permitted to operate his bar as long as a special exception was granted by the Zoning Hearing Board.

John Gault: John said he and Maurine had no issues with Joe operating his bar and that their chief complaint was the noise they could hear from the Mill while in their bedroom. He stated that Joe had addressed the noise issue.

John Berry: John replied to Maurine and John Gault stating that he was not singling them out, but in the last meeting he made them aware they might not like his answers.

John Gault: John Gault asked that the record show transparency regarding his and Maurine's involvement in the complaints against the Mill. He said that he and Maurine did not have any complaints about Sickman's Mill other than noise.

Robert Hershey Sr.: Robert requested clarification on the definition of permitted use.

Ron Wagner: Ron reads Section 1229 of River Related Recreational uses

Robert Hershey Sr.: Robert states that by his understanding Joe is permitted to operate.

Joe Devoy: Joe believes he bought the business and is allowed to operate.

John Berry: John stated that both the Zoning Officer and Solicitor agree that Joe is doing everything to comply with Township law.

New Business

Conestoga Fire Department Resolution No.2308

Brandi Tomasetti reads Resolution No.2308 submitted by the Fire department.

Ron Wagner motioned to accept Resolution No.2308, seconded by John Berry. All in favor - none opposed.

Conestoga Zoning Maps

Ron Wagner reads statement regarding the Conestoga Zoning Maps.

- The 2005 Zoning Ordinance and 2005 Zoning Map, along with any amendments to either during or after 2020, currently apply to all properties throughout the Township because attempted amendments between 2005 and 2019 were not done properly.
- To the extent that any property owner is dissatisfied with the zoning of his property under the 2005 Zoning Map, that individual has the right to submit a petition in writing with the Township for the Board of Supervisors to consider rezoning request.
- There is a specific process to be followed for that purpose under the Municipalities Planning Code, which is a state law of Pennsylvania.
- Absent a request from a property owner in the form of a written petition, the Board of Supervisors cannot and will not pick specific properties to rezone as doing so is generally not allowed.

MEETING ADJOURNED at 7:23 pm, motioned by John Berry and seconded by Robert Hershey Jr. All in favor - none opposed.

Submitted by,

Brandi Tomasetti, Secretary/Treasurer

Conestoga Township Board of Supervisors Meeting

Tuesday May 2, 2023

Sign In Sheet (Please Print Your Name & Address)

1. Dan Axman L 315 sick man Mill Rd
2. Ed & Maddie Ritz Main St. Conestoga
3. RAY & TINA CLARE WEST ELM ST.
4. Marnie Fiso Sand Hill Rd
5. Ryan + Alex Bailman Stonehill rd
6. Leanne Hershey 633 Stony Ln
7. Bill Ranton 179 1411 Top DR
8. Sheri Kimmert Sand Hill Rd.
9. John ... 6970 Silver Road
10. PAUL THOMAS 3347 main st.
11. Y Eshleman
12. CHRIS + BARB GAIR
13. Robert Banzhof 660 Sand hill Rd.
14. Dean Connelly 90 Buck Run Rd.
15. Matt Connelly 90 Buck Run Rd
16. Bob Hershey SR 99 STEHMAN RD
17. PAUL RIVER
18. PAUL STANGLER 312 RIVER CORNER
19. Dean Evans LNP

20. Bill Rankin Jr 2842 Main St.
21. Cathy Wagner 3900 Main St. Conestoga
22. Donna Hoar 69 Colemanville Church Rd
23. Donna Eshle main St.
24. Mike Earhart 1020 Pequea Creek Rd. Conestoga, PA. 17516
25. Kathy Songrey Elm St
26. Don Wayler Sand Hill Rd
27. Steve Rice 3025 Miller Rd
28. Larry Frankford Jr 3619 Main St.
29. Carl Cly Bullman St.
30. Dana & Joe Devay 671 Sand Hill Rd. Pequea, Pa
31. Ray Hess Pequea Creek Rd
32. ~~Carl Cly~~ Elm St.
33. Bob Eshbach 65 Colemanville Rd
34. Terry Shepps 125 Valley Rd.
35. Jeremy Eshleman 471 SAND HILL
36. Wes Bruckma 332 Kendig
37. Tom Grassel Jr 7 Centre
38. Eric Peifer 353 Pequea Blvd.
39. Brian Spong 5 Centre Dr.
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