

Conestoga Township Board of Supervisors

Tuesday, April 1, 2025

The regular meeting of the Board of Supervisors was held on Tuesday, April 1, 2025 in the Conestoga Township Public Meeting Room located at 3959 Main Street, Conestoga, Pennsylvania.

The meeting was called to order at 7:00 PM by the Chairman of the Board, Matthew Connelly followed by the pledge of allegiance and a moment of silence.

SUPERVISORS PRESENT

Chairman Matthew Connelly, Vice Chairman Thomas Grassel Jr. and Joseph Devoy

OTHERS PRESENT

Jessie L. Ebersole, Secretary/Treasurer

Brian J. Herr, Roadmaster

Sheila V. O'Rourke, Attorney, Gibbel Kraybill & Hess

Robert & Leanne Hershey, Century Acres LLC

Benuel Esh, Safe Harbor Village LLC

Dan Alexander, Planning Commission Chairman

Vince Metzler, Zoning Hearing Board Chairman

Doris Warfel, 39 Sandhill Rd

Donald Connelly, 90 Buck Run Rd

Bob Eshbach, 65 Colemanville Rd

Sheri Kimmet, 647 Sandhill Rd

Dana Paparo, 671 Sandhill Rd

Tonya Grassel, 7 Centre Dr

Colin J. Macfarland, Township Solicitor

Glenn R. Bertolet, Township Zoning Officer

Robert L. Hershey Sr, 99 Stehman Rd

Robert L. Hershey III, 633 Stoney Ln

Jon & Kathy Schrock, 211 Stehman Rd

Harris Malkin, 1684 Long Ln

Dianne Babcock, 31 Pequea Blvd

Charles Fulmer, 4 Safe Harbor Village

Paul Thomas, 3347 Main St

Paul Spangler, 312 River Corner Rd

Scott Huntzinger, 225 Stehman Rd

Gary Miller, 3498 Main St

SUPERVISOR COMMENT

Matthew Connelly recessed the Board of Supervisors meeting and turned to the Township's Solicitor, Colin Macfarland to open the first Public Hearing.

1. **Public Hearing** - Proposed Ordinance to Approve, Adopt and Enact an Ordinance Codification for the Township

Mr. Macfarland explained that a codification is a process that compiles all Township Ordinances and consolidates them into one code for ease of use by the public. He went on to explain that because we are amending the Zoning Ordinance and SALDO as part of the codification, we need to hold a public hearing on those proposed amendments. He started by reading every amendment for the records and then announced the Board of Supervisors' Exhibits to be entered into the records. The floor was opened for public comment on the proposed amendments. Mr. Don Connelly of 90 Buck Run Road questioned the amendment that discussed setbacks. Township Zoning Officer, Glenn Bertolet was sworn in to comment on the question. It was clarified that nothing in the charts stating setbacks have changed other than the removal of the 200 square foot threshold for accessory structures. With no other questions, at 5:35 PM, Tom Grassel made a **motion**, seconded by Joe Devoy to close the first public hearing. With no further discussions the motion passed (3-0).

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The Board of Supervisors meeting was reconvened.

Joe Devoy made a **motion** to approve, adopt and enact the Ordinance Codification for the Township, including the Zoning and SALDO amendments. Matthew Connelly seconded the motion. With no further discussions the motion passed (3-0).

TOWNSHIP OF CONESTOGA
Lancaster County, Pennsylvania
ORDINANCE NO. 2025-01

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF CONESTOGA, COUNTY OF LANCASTER, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

Matthew Connelly recessed the Board of Supervisors meeting and turned to the Township's Solicitor, Colin Macfarland to open the second Public Hearing.

2. Public Hearing – Conditional Use Application

Century Acres LLC and Robert L. Hershey Jr. request a modification of an existing Conditional Use Approval for an agritainment venue known as Jason's Woods

Mr. Macfarland stated the details of the application, including but not limited to the request for a modification to the Conditional Use granted in 2014 to increase the number of days that events may be hosted annually from 30 to 90 days. Next Mr. Macfarland handled administrative matters, legal counsel of Century Acres LLC, Attorney O'Rourke entered her appearance, then Mr. Jon Schrock stated his request to be a Standing Party to the hearing. Matthew Connelly made a **motion** to grant Jon Schrock of 199 & 211 Stehman Rd as a Standing Party to the hearing. Tom Grassel seconded the motion. With no discussions the motion passed (3-0). Mr. Macfarland proceeded to announced the Exhibits to be entered into the records. Joe Devoy made a **motion**, seconded by Matthew Connelly to enter Exhibits 1 thru 10 into the records. With no further discussions the motion passed (3-0). Attorney Sheila O'Rourke started her presentation. Robert L. Hershey Jr. was sworn in as a witness. Sheila O'Rourke distributed their Exhibits. Questions were asked and answered by Mr. Robert Hershey Jr. in regards to his expertise in the industry. Tom Grassel made a **motion** to qualify Mr. Hershey as an industry expert in haunted attractions. With no objection from Mr. Schrock, Matthew Connelly seconded the motion. With no further discussions the motion passed (3-0). More questions were asked by Attorney O'Rourke and answered by Mr. Hershey. Mr. Schrock was then given the opportunity to ask questions. He asked who owns Jason's Woods. Mr. Hershey replied that dad (Robert L. Hershey Sr.) owns the property, and that he owns the business. It was confirmed that Robert Hershey Jr. has the property owner's permission to proceed with the application. The Board then proceeded to ask questions, which were answered in detail. There was no re-direct from Attorney O'Rourke nor any further questions from Mr. Schrock.

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Mr. Macfarland proceeded to ask for the discussed Exhibits to be entered into the records. Matthew Connelly made a **motion**, seconded by Joe Devoy to enter Exhibits 1 thru 5 into the records. With no further discussions the motion passed (3-0). Mr. Jon Schrock was given the opportunity to present evidence. He was sworn in for his testimony. He started by showing his properties location to Jason's Woods, gave some history, and stated his objection to allowing 90 days of operation. Attorney O'Rourke had no questions for Mr. Schrock and rested his case. The Board then asked to hear from the Zoning Officer. Glenn R. Bertolet, Township Zoning Officer was sworn in for his testimony. Mr. Bertolet stated the application for Conditional Use was appropriate and reasonable and stated that the Zoning Ordinance does limit to a 30-day use. He went on to state that the parties that are negatively affected gave reasonable testimony as to the impact the business can have. Attorney O'Rourke and Mr. Schrock had no questions for the Zoning Officer. Next, Attorney O'Rourke asked for a recall of Mr. Hershey for a brief rebuttal. She asked questions pertaining to the use of the property for agricultural. It was agreed that the total number of acreages is 35 and that 28 acres are used for hay, grown 365 days of the year. Mr. Hershey was asked to provide an example of a past concern and how it was addressed, in particular to the stage area. He explained that the stage was moved to face another direction. Mr. Schrock nor the Board had no further questions pertaining to the testimony. Next public comments were received. Harris Malkin of 1684 Long Lane, with respect to Mr. Schrock's objection, believes Mr. Hershey should get latitude in increasing the number of days. Scott Huntzinger, 225 Stehman Road commented on the noise, that at certain times can be heard at his property. He also voiced his concern for the increase in traffic and speed of traffic on his road. Don Connelly, 90 Buck Run Road asked for consideration of a compromise to noise. Gary Miller, 3498 Main Street supports and applaud Robert Hershey's for their hard work in keeping the entertainment going for his family. Hearing no other public comments, Attorney O'Rourke presented closing comments. Mr. Schrock was permitted to make further comments based on the closing statements. He stated they objected to the statement that the Zoning Officer did not receive any complaints, as they have asked multiple times that the Zoning Officer intervene regarding noise over the years, with no success. He also stated that the 30 days chosen with the creation of the 2005 Zoning Ordinance, was considered the maximum acceptable amount of time before a part time use became a full-time use. Matthew Connelly made a **motion** to close the second hearing 8:46 PM, seconded by Joe Devoy, and immediately proceeded to break for an Executive Session to deliberate on the Public Hearing.

At 8:57 PM the meeting was reconvened and by recommendation of Solicitor Macfarland, Joe Devoy made a **motion** to approve Century Acres, LLC and Robert L. Hershey Jr.'s Conditional Use to modify the existing Conditional Use Approval for an agritainment venue known as Jason's Woods to 75 days operation in a calendar year. Matthew Connelly seconded the motion. With no further discussions the motion passed (3-0).

Mr. Macfarland thanked all that attended and the Board of Supervisors took a brief 10-minute recess to allow anyone from the hearing to leave.

Matthew Connelly turned to Township's Solicitor, Colin Macfarland to open the third Public Hearing at 9:08 PM.

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3. **Public Hearing** – Conditional Use Application

Safe Harbor Village LLC c/o Benueal Esh request for an events venue as a Use Not Specifically Provided For

Mr. Macfarland stated the details of the application, including but not limited to the request for a Conditional Use under Section 1234 - Use Not Specially Provided For and to use the existing community hall building and ballroom, known as The Hall at Safe Harbor, for an events venue without limitations of the number of days events can be held annually as currently limited per Section 1308 of the Zoning Ordinance. Next Mr. Macfarland handled administrative matters, legal counsel of Century Acres LLC, Attorney Sheila O'Rourke entered her appearance. Mr. Macfarland announced the Exhibits and reflected for the record that there was no Standing Parties. Matthew Connelly made a **motion**, seconded by Tom Grassel to enter Exhibits 1 thru 10 into the records. With no further discussions the motion passed (3-0). Attorney Sheila O'Rourke started the presentation noting the applicant is proposing to continue use of the existing community hall building for its original purpose, as an events venue, and stated that where a provision is not available within the zoning ordinance, you look to a use that is most similar. As previously applications for events venue have used agritainment, that is the structure being use with this Conditional Use application. Benueal Esh, principal for Safe Harbor Village, was sworn in as a witness. Questions were asked and answered by Mr. Esh as Attorney O'Rourke went through the Exhibits. The Supervisors had a few questions that were asked and answered, such as the tent rental and access to the additional parking area and to comment on the Planning Commission's recommendations. Mr. Macfarland asked a few questions as well in regards to limiting impact to adjoining properties, controlling no parking in the street, and having only one restroom for 65 guests. Mr. Esh stated that they will be actively figuring out improvements as they go. He also stated that a manager will be available during events, another team member lives on-site, and he is minutes away if necessary. Glenn R. Bertolet, Township Zoning Officer was sworn in for his testimony. He stated that they have received complaints on events held and that through testimony those complaints seemed to have been addressed. He voiced his concern for participants walking through the town to get to and from the additional parking area. He suggested a direct path to the tent area would be appropriate to limit potential nuisance to the villagers. Public comments were then received. Mr. Charles Fulmer, 4 Safe Harbor Village mentioned he has extensive background on the Village and stated that the Hall as always been the Hall. It is great to have it used again and the feedback on the events will warrant the success of continued events. Don Connelly of 90 Buck Run Road, wished him well but stated his concern that on all of the questions that were asked, i.e., parking, security, pathway, lights, noise, ADA bathrooms; all the answers that were provided by Mr. Esh was a general statement that it is was possible. Diane Babcock, 31 Pequea Blvd, stated her concern on the increased traffic on River Road. Hearing no other public comment, Attorney O'Rourke proceeded through the agritainment zoning section of which agritainment has been determined to be a similar use of an events venue and which is permitted by conditional use. She closed her testimony by asking that the Board recognize that the point of this application is to use an existing events facility built in the 1930s for the community to gather as it once had, that the application is reasonable and appropriate, and asked that the Board grant the application as it has been submitted. Matthew Connelly made a **motion** to close the third hearing at 10:22 PM, seconded by Joe Devoy, and immediately proceeded to break for an Executive Session to deliberate on the Public Hearing.

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At 10:39 PM the meeting was reconvened and upon recommendation by Solicitor Macfarland, a **motion** by Matthew Connelly to approve Safe Harbor Village LLC c/o Benuel Esh request for an events venue as a Use Not Specifically Provided For was approved with the following conditions:

1. The applicant shall have an employee or person in charge at the tent for any event held at the tent
2. Any change in the circumstances including but not limited to, the applicants desire to place a tent permanently on the property and/or listing, marketing, or otherwise selling any property in this community will require another Conditional Use approval
3. The applicate shall abide by / abide with, all standard conditions which include but not necessarily limited to, following all applicable laws, obtaining any and all necessary permits, acting and operating the use consistent with the testimony given. Taking substantial setups to effectuate the use within a year and understanding that a breach of any of those conditions or the zoning ordinance, or any applicable law will result in the relief being revoked

Joe Devoy seconded the motion. With no further discussions the motion passed (3-0).

Thanks were given by both parties and another brief two-minute recess was provided to allow the public to leave. Matthew Connelly reconvened the regular Board of Supervisors meeting.

PUBLIC COMMENT

Don Connelly of 90 Buck Run Road voiced his concern for the decision made for Safe Harbor Village LLC and Benuel Esh due to the number of items that came up that wasn't addressed. Tom Grassel replied that he (Mr. Esh) owns the properties. He has the tenants. He will have to find a balance between keeping tenants in the houses he owns and having the venue. That is his responsibility. The concern would become the township's if he ever sells the individual parcels.

APPROVAL OF MINUTES, BILLS AND TREASURER'S REPORT

Tom Grassel made a **motion** to approve the March 4, 2025 Board of Supervisor Meeting Minutes with a second by Joe Devoy. With no discussions the motion passed (3-0).

Joe Devoy made a **motion** to approve the March 2025 Bills and Treasurer's Report as presented with a second by Matthew Connelly. With no discussions the motion passed (3-0).

REPORTS OF BOARDS AND COMMISSIONS

The Planning Commission was held on March 24, 2025 to review and provide recommendations for the two Conditional Use applications discussed tonight.

The Zoning Hearing Board did not meet in March.

NEW BUSINESS

None

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ROADMASTER REPORT

Brian Herr announced the results of the 2025 Roads Project bid opening. The one and only bid was from Long's Asphalt Inc., 856 Scotland Road, Quarryville in the amount of \$75,280. Matthew Connelly made a **motion** to award the contract, seconded by Tom Grassel. With no discussions the motion passed (3-0).

Brian Herr announced the application for the Dirt, Gravel and Low Volume Road grant through the Lancaster County Conservation District for stormwater and road maintenance on Brenner Hollow Road was partially awarded in the amount of \$138,160. The LCC District has agreed to amend the full grant amount up to \$179,428.85 once the PA state budget passes and the LCC District program's allocation is received. Matthew Connelly made a **motion** to ratify entering into the contract, seconded by Tom Grassel. With no discussions the motion passed (3-0).

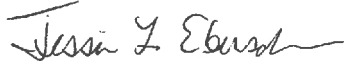
ANNOUNCEMENTS

Matthew Connelly announced the Township is joining other Lancaster County Municipalities to negotiate the renewal of the Cable Franchise Agreement. He mentioned the office will be closed on April 18th in observance of Good Friday. He also announced the Board of Supervisors and the Secretary/Treasurer will be attending PSATS Annual Conference that runs May 4th through May 7th and that the Office will be closed Tuesday and Wednesday. Lastly, he mentioned the next Board of Supervisors regular meeting will be held May 6th.

ADJOURNMENT

With no other business to discuss, the meeting adjourned at 10.52 PM.

Respectfully submitted by,



Jessie L. Ebersole
Conestoga Township Secretary