Manager's Report - September 2020

Office Activity.

- Permit applications, bills, deposits and bank reconciliations were handled in a timely manner. Review fee letters were emailed.
- Attended Board of Supervisors meeting (Sept 10), Police Commission (Sept 14).
- Union negotiation.
- MS4 Report submitted and accepted.
- Notary renewed and recorded.
- Meetings on pension. Received state aid for distribution in October.
- Continued budget work.
- Submitted grant for reimbursement of COVID 19 supplies.
- Fall Newsletter completed.
- Completed draft of 2021 calendar.
- Received variance application for Kopfer Subdivision.
- Park and Recreation has cancelled all meetings for rest of year.
- Provided ownership information on all storm water basins to engineer.

Road Crew Activity.

- Mulch Cornerstone Playlot.
- Put recycling bins in storage.
- Put side boards on trucks 3 & 4.
- Cut and chip tree on Troxel and Koller Roads.
- Camera June Avenue and Excelsior Drive.
- Repair drainage ahead of road work on June Avenue.
- Brush pickup (Sept. 8, Sept. 21, Sept. 28).
- Clean up rock at Community Park from flooding.
- Clean up along Willow Creek.
- Install new teeth on backhoe.
- Clean swale beside 217 Spirit Court.
- Fall clean up day (Sept. 19).
- Road Mowing begins (Sept. 28).

Respectfully Submitted,
Diane Hollenbach, Manager

Hearing October 26 @ 7pm

MAIDENCREEK TOWNSHIP ZONING HEARING BOARD

NOTICE OF APPEAL OR APPLICATION
(To be filed in triplicate with plot plan attached.)

APPEAL NO. _____

DATE _____

Appeal is hereby made by the undersigned (check one)

( ) from the action of the Zoning Officer in refusing my application for a Zoning Permit on _____, 20 .

(✓) for a Variance from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Special Exception from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Conditional Use from the terms of the Zoning Ordinance of Maidencreek Township.

( ) for a Rezoning from the terms of the Zoning Ordinance of Maidencreek Township.

( ) from the action of the Building Inspector in refusing my application for a Building Permit on _____, 20 .

Name of Property Owner SEE ATTACHED.

Name of Applicant _____

Location of Property _____

Address of Applicant _____

Interest of Applicant in property if not owner (agent, lessee, equitable, etc.) _____

_____

Attorney (if any) _____

1. Application relates to:
Use ( ) Lot Area ( ) Yards ( ) Height ( ) Existing Building ( )
Proposed Building ( ) Area Classification ( )
Other ( ) _____

2. Description of Real Property and Location: _____
_____
_____
_____
_____
_____
_____

(a) Lot Size
(b) Present Use
(c) Present Zoning Classification
(d) Present Existing Improvements

3. Date Building Inspector or Zoning Officer made his determination _____

_____

Statement of alleged error or Building or Zoning Officer _____

_____

_____

_____

4. Action desired by applicant _____

_____

_____

_____

5. Reasons applicant believes the Board should approve the desired action (ei. To section or sections of the ordinance under which you believe the desired action may be allowed, and note specifically whether or not a hardship is being claimed) _____

_____

_____

_____

_____

6. Has a previous appeal been filed in connection with these premises? _____

_____

7. List names and addresses of all adjoining property owners and all property owners and/or residents within 1000 feet of the location of applicant's property.

8. Attach 3 scale copies of a plot plan of the real estate affected and in question here, indicating its location, North point, scale, adjoining owners, distances, lot size, size and location of improvements now existing and the size and location of proposed improvements, show site location insert, and indicate any other changes desired or information required by the Zoning Hearing Board.

9. The undersigned being the legal or equitable owner of certain real estate, which is the subject of a zoning application which is being submitted to the Township of Maidencreek simultaneously herewith, in consideration of the Township of Maidencreek processing the aforesaid plan, agree to pay to the aforesaid Township, within thirty (30) days from the date of the Township invoice, all costs that the Township has incurred, in processing the said zoning application.

I hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct to the best of my knowledge, information and belief.

Date _____ _____

Applicant

Witness:

_____

THIS APPLICATION MUST BE ACCOMPANIED WITH A CHECK IN THE AMOUNT OF $ _____
MADE PAYABLE TO: MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS.

3. Date Building Inspector or Zoning Officer made his determination _____

Statement of alleged error or Building or Zoning Officer _____

4. Action desired by applicant _____

5. Reasons applicant believes the Board should approve the desired action (ei. To section or sections of the ordinance under which you believe the desired action may be allowed, and note specifically whether or not a hardship is being claimed) _____

6. Has a previous appeal been filed in connection with these premises? _____

7. List names and addresses of all adjoining property owners and all property owners and/or residents within 1000 feet of the location of applicant's property.

8. Attach 3 scale copies of a plot plan of the real estate affected and in question here, indicating its location, North point, scale, adjoining owners, distances, lot size, size and location of improvements now existing and the size and location of proposed improvements, show site location insert, and indicate any other changes desired or information required by the Zoning Hearing Board.

9. The undersigned being the legal or equitable owner of certain real estate, which is the subject of a zoning application which is being submitted to the Township of Maidencreek simultaneously herewith, in consideration of the Township of Maidencreek processing the aforesaid plan, agree to pay to the aforesaid Township, within thirty (30) days from the date of the Township invoice, all costs that the Township has incurred, in processing the said zoning application.

I hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct to the best of my knowledge, information and belief.

Date 9/17/20 DAVID KOPFER

Applicant

Witness:

THIS APPLICATION MUST BE ACCOMPANIED WITH A CHECK IN THE AMOUNT OF $ 1200 MADE PAYABLE TO: MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS.

Maidencreek Township Zoning Hearing Board

Notice of appeal or application

Appeal#_____

Date_____

Appeal is made by the undersigned :

( ) For a variance from the terms of the Zoning Ordinance of Maidencreek Township

Name of property owner: Robert E. Kopfer and Carol P. Kopfer

Name of Applicant: David Kopfer

Location of property: 1142 Pleasant Hill Road, Fleetwood, PA 19522

Address of applicant: 1142 Pleasant Hill Road, Fleetwood, PA 19522

Interest of applicant in property: David Kopfer is the son of the property owners and desires to construct a dwelling on the property to assist his parents in the farming operation and continue the operation for the future

Attorney: Jeff Boyd @ Karver and Boyd Boyertown PA(610)367-2148

Application relates to:

Other( ) Systems Design in the subdivision review under Zoning issues stated that a flag lot is not allowed.

Description of Property: The subject property is 103 acres of agricultural land with an existing farmstead located along Pleasant Hill Road. The conditions of the easement will only allow one (1) additional dwelling unit to be constructed on the property. The easement will allow a 2 acre lot to be subdivide while the Maidencreek Township Zoning Ordinance allows a maximum and minimum lot size of 1.5 acres. The present use of the preoperty is agricultural and will remain so in the future. The present zoning classification is Agricultural Preservation (AP). The existing improvements on the property is a 2 story limestone farm dwelling several outbuilding, a bank barn, and several grain bins. The property is preserved with an agricultural conservation easement and is surround by adjacent properties that are also preserved. The location of the proposed lot is to be located on the least productive area of the farm to maintain the production capabilities of the property.

Date Zoning Officer made determination: June 30, 2020 SDE review letter

Statement of alleged error: section 220-17 requires that 150" of road frontage must be provided and states that flag lots are non-conforming and new flag lots are not allowed. The error is that 220-11

under "LOT" (B) defines flag lots and makes no mention that they are not allowed, (D) exhibits a diagram of lot types which clearly exhibits a flag lot scenario, (D) continues with the definition of lot area which clearly states that the stem of the flag lot is not to be included in the overall lot area. A reasonable person reviewing the above section of the ordinance can only come to the conclusion that flag lots are allowed. System Design in there review letter makes no notation of a revision to the ordinance where the Township of Maidencreek enacted an ordinance that made flag lots non-confoming and presently not allowed.

Please refer to the Pennsylvania Municipalities Planning Code, 23rd edition dated January 2017 in section 603.1 Interpretation of Ordinance Provisions: *In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction*

Action desired by the applicant: The applicant desires that a flag lot be allowed in this particular situation

Reasons the applicant believes the Board should approve the desired action:

1. 220-11 under "LOT" (B) defines flag lots and makes no mention that they are not allowed, (D) exhibits a diagram of lot types which clearly exhibits a flag lot scenario, (D) continues with the definition of lot area which clearly states that the stem of the flag lot is not to be included in the overall lot area. A reasonable person reviewing the above section of the ordinance can only come to the conclusion that flag lots are allowed. System Design in there review letter makes no notation of a revision to the ordinance where the Township of Maidencreek enacted an ordinance the made flag lots non-confoming and presently not allowed.
2. 220-17(A) (3) residential lots on agricultural land to be designed to minimize the loss of prime agricultural soil
3. 220-17(A) (3) residential lots are to be sited on the least productive soil
4. 220-17(B) (1) residential lots on agricultural land are not to exceed 1.5 acres unless the applicant can demonstrate that a larger size is necessary for water supply and sewage disposal

Any previous appeals: none

List of names and addresses of all adjoining property owners and or residents within 1000 feet of the applicants property:

1. Paul and Katherine Martin (1179 Pleasant Hill Road)
   620 E. Greenfield Road Elkton KY 42220
2. Allen and Jane Davis 275 Hock Road Fleetwood PA 18522

3. Walter and Helen Heller 1107 Pleasant Hill Road Fleetwood PA 19522
4. David and Janette Nolt 307 Eagle Road Kutztown PA 19530
5. Lydia Nolt Trustee 1099 Pleasant Hill Road Fleetwood PA 19522
6. Alta Hinkle 1091 Pleasant Hill Road Fleetwood PA 19522
7. Eli and Barbara Zimmerman 1046 Pleasant Hill Road Fleetwood PA 19522
8. Elton Eby 578 White Oak Road New Holland PA 17557
9. Kenneth and Elvina Burkholder1094 Richmond Road Fleetwood PA 19522
10. James and Susan Yonkers 77 Rich-maiden Road Fleetwood PA 19522
11. Jonathan Rodgers 1190 Pleasant Hill Road Fleetwood PA 19522
12. Timothy and Kathy Heffner 1182 Pleasant Hill Road Fleetwood PA 19522
13. Barry Althouse 1174 Pleasant Hill Road Fleetwood PA 19522
14. Scott and Jacqueline Eschenbach 1166 Pleasant Hill Road Fleetwood PA 19522
15. Richard and Joann Bertolet 1158 Pleasant Hill Road Fleetwood PA 19522