



# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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## Minutes of the Regular Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, June 20, 2023

1. Chairman Gregory R. Hitz, Sr. called the meeting to order at 6:00 P.M. in the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022.
2. Meeting Attendance:
  - Members Present: James E. Hershey, Gregory R. Hitz, Sr., and Robert F. Newton, Jr.
  - Members Absent: None
  - Alternate Member Present: Roni K. Clark
  - Township Representatives: Justin S. Evans, Township Manager/Zoning Officer
  - Lancaster County Court Reporter: Angela N. Kilby
  - Zoning Hearing Board Solicitor: Beth Ebersole, Esq. of Blakinger Thomas
3. Procedural briefing by the Zoning Hearing Board Solicitor
4. Zoning Case #230006: [Continued from the May 3, 2023 meeting]
  - a. Applicant/Landowner: David E. Glick
  - b. Property Location: 2233 Cloverleaf Road, Elizabethtown, PA 17022; Tax Parcel ID #461-29803-0-0000
  - c. Zoning District: A – Agricultural District
  - d. Variance Request:
    - 1) Chapter 135, Article XXII, §135-212.A(1) regarding the minimum setback for a poultry barn to an existing dwelling unit

Mr. Hitz stated for the record that the variance request was verbally amended from §135-212.A(2) to §135-212.A(1) at the previous hearing. Attorney O'Rourke, representing adjoining property owners Trevor and Casey Ammon, reiterated their position that the application should be denied. Mr. Glick has not taken the initiative to address potential mitigation efforts with the Ammons since the previous meeting. She detailed the various aspects of her clients' position against the variance and the location of the poultry barn with respect to their home. Mr. Glick's permit application for the poultry breeding facility omitted specific information needed to assess the application. The building is open-air with vinyl curtains and does not have an alarm system that recognizes excess heat in the structure. She detailed issues with manure storage and handling, truck traffic, operation of the cooling room generator, potential impacts on water resources, as well as noise, dust, and odors from the operation. The Ammons have long-term concerns for their family, notably their young child.

Attorney O'Rourke cast doubt on the effectiveness of the trees planted near the common property line. The trees are in a low area with respect to the elevation of the poultry barn and the Ammon house. She also noted that Mr. Glick did not appeal the Township's enforcement notice, omitted key information in the permit application, and has not presented proof to support a reduced setback under §135-212.A(1). Mr. Glick's hardship is financially related and was not demonstrated to be a physical hardship.

The following exhibits were submitted by Attorney O'Rourke:

- Exhibit Ammon-1: LanCo View Map of subject property

- Exhibit Ammon-2: Aerial Image of Glick and Ammon properties
- Exhibit Ammon-3: Images of Glick property
- Exhibit Ammon-4: Images of Ammon house
- Exhibit Ammon-5: Google Map with approximate distance between Glick barn and Ammon house
- Exhibit Ammon-6: Video recording of poultry barn impacts from Ammon house
- Exhibit Ammon-7: Final Subdivision Plan for Jay W. & Beth A. Gainer, Sheet 2 of 4
- Exhibit Ammon-8: Section 135-212.A of the Mount Joy Township Zoning Ordinance
- Exhibit Ammon-9: Permit file for the poultry barn

Mr. Glick stated that he has prepared an updated Manure Management Plan since the previous meeting. He intends to plant another row of Green Giant evergreens within 50' of the poultry barn with the intent of creating a better buffer. The trees are expected to grow to a mature height of 25'-30'. Penn State Extension provided information on the proper composting of deceased poultry to which they will comply with moving forward. He believes that full compliance with the 300' setback from the Ammon house will make little difference with the concerns they have raised. His plans for the additional buffer plantings were not conveyed to the Ammons in between meetings.

The Board entered an Executive Session with the Board's Solicitor at 6:30 p.m. and returned at 7:15 p.m.

Mr. Hitz closed testimony and requested the Findings of Fact be provided by July 7, 2023. A decision will be rendered at the beginning of the July 26, 2023 meeting to be held at 6:00 P.M. at the Elizabethtown Area School District Middle School Auditorium.

5. Next regularly scheduled hearing will be held Wednesday, July 5, 2023, beginning at 7:00 P.M.
6. Next special meeting will be held Wednesday, July 26, 2023, beginning at 6:00 P.M. at the EASD Middle School Auditorium for the continuation of Case #230003: Elizabethtown Mount Joy Associates
7. A motion was made by Robert F. Newton, Jr. and seconded by James E. Hershey to adjourn the meeting at 7:20 p.m. All members present voted in favor of the motion.

Respectfully Submitted,



Justin S. Evans, AICP  
Township Manager/Zoning Officer

For: Robert F. Newton, Jr., Secretary  
Mount Joy Township Zoning Hearing Board