

YORK COUNTY UCC BOARD OF APPEALS

PROCEEDINGS

6:30 P.M., September 18, 2012
Administrative Center
28 East Market Street
York, PA 17401

The meeting was called to order by Richard Merck at 6:32 P.M.

ROLL CALL

Members Present:

Richard E. Merck, Chairman; Jeffrey Anderson, Secretary; Edward Sowers; J. Michael Dorgan; Randy Nauman.

Josh Carney arrived at 6:52pm

YCPC Staff Present:

Felicia Dell, Director; Terry Ruby, Senior Planner; and Barbara Forry, Recording Secretary

Solicitor:

Mieke Driscoll, CGA Law

Guest:

Derek Mumford, MPL Law Firm; Jody Leighty, Solicitor; David Sherrer; Pete Schilling; Peter Ruth; Keith Hunnings, Hopewell Township Zoning Officer

Stenographer:

Byron Aldinger

MINUTES:

A change was made to the minutes from the August 21, 2012. Chief Hose was corrected to Chief Stephens.. J. Michael Dorgan made a motion to accept the minutes after the change is made and Jeff Anderson 2nd the motion. All were in favor.

OLD BUSINESS:

Case #12-01, Kinsley Equities met with East Manchester Township and resolved their issues. Kinsley Equities e-mailed a letter dated September 14, 2012 requesting their intent to withdraw their continuation from the last hearing. The Board acknowledged the withdrawal.

NEW BUSINESS:

Hearing Case #12-02 - The Hearing was opened and all persons providing testimony were sworn in. Mr. David Sherrer - has a 157 acre horse farm with 85 acres in crops. It is zoned as an Agricultural Farm. He has 30 horses on the farm; 13 of them owned by Mr. Sherrer. He uses his 13 horses for lessons. The other 17 horses are boarders. Mr. Sherrer stated that the bottom of the barn is used to house the horses and part of it is for storage of various farm equipment. The upstairs of the barn is used to store excess hay and a trailer in the winter. Approximately 5000 sq ft is used as a banquet facility. This part of the barn has no water, heat, running water or sleeping facilities. Jody Leighty, Solicitor for Mr. Sherrer handed out pictures that were labeled as applicants exhibits # 1-19. These pictures are of the barn (inside and outside). She also handed out copies of the contracts, these were labeled as exhibits #20 - Contract for Stall Agreement; #21 Hold Harmless Agreement; #22 Contract for Weddings and Private parties; #23 Contract of Rules and Regulations. Derek Mumford, Solicitor for Hopewell Township handed out Township exhibit #1 that is a print out from the Ridge Meadow Farm website. Mr. Mumford stated that the website advertises a banquet hall that holds up to 325 guests. This banquet room can be rented from late April to late October. He stated that Mr. Sherrer advertised the Easter Egg hunt and other parties including wedding receptions and birthday parties that are open to the public. Mr. Josh Carney stated the place has no sprinkler system or adequate fire safety. It also has electrical violations, no ventilation, faulty plumbing, spliced wiring and accessibility problems. It can be made into what Mr. Sherrer wants to use it for, but must be done through the UCC. A motion was made by Mr. Carney to deny the appeal because although the building is an Ag building it is being utilized for a non-exempt use and must comply with the UCC regulations.

OTHER BUSINESS:

Update on Wayneco Appeal - Wayneco is still working in the building. A brief discussion ensued on who would be liable if there was some kind of fire in the building and someone was hurt. Although an appeal was filed no legal progress has been made on the appeal.

Legislative Proposal for Joint Board of Appeals - Representative Tallman a member of the Labor Industry Committee that is chaired by Representative Ron Miller introduced a brief amendment to allow for a Joint Board of Appeals. Based on conversations with Representative Miller, he thinks that as soon as they are back in session they will act on it in committee. If not it will have to wait until after the first of the year and start all over again.. If this gets approved it will allow a joint appeals board to hear cases without administrative enforcement responsibility.

Mieke Driscoll handed out Statement of Financial Interest forms for the board to fill out and send back.

Mr. Merck has a new company call Q-Dot Engineering which was hired to perform code enforcement for the City of York. He wanted to disclose this to the board in case of a conflict of interest. His company does a lot of forensics, electrical and fire. His company will do all plan reviews for the City of York. Mieke Driscoll does not see that as a conflict. If a municipality that he has done work for comes before the Board, he would abstain from that meeting.

ADJOURNMENT:

A motion to adjourn was made by Jeff Anderson and seconded by J. Michael Dorgan. The meeting was adjourned at 8:05pm.

Next meeting: October 16, 2012 pending any appeals.

Respectfully submitted,

Barbara Forry
Recording Secretary