

Lower Paxton Township  
Zoning Hearing Board

September 22, 2022

Members Present:

David Dowling

Jeff Staub

Ron Reeder

Joe Murphy

Also, In Attendance: Tucker Hull, Amanda Zerbe, Kristi Focht

Docket 1458

Applicant: Blue Mountain Corp. Center, LLC

Address: 95 Newberry Parkway Eters, PA 17319

Property Owner: Allen & Annette Grossman Living Trust

Property: 4033 Linglestown Road

Applicant: Requesting a variance from side yard setback requirements of 50'. The applicant is proposing to permit the proposed office building to have a 30' side yard along the eastern boundary.

Ms. Zerbe noted the applicant requested a continuance until the next Zoning Hearing Board meeting.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht, Recording Secretary

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**Docket 1459 & Special Exception 22-03**

Applicant: Jason Dufresne

Address: 4401 Goose Valley Road

Property Owner: Jason Dufresne

Property: 4401 Goose Valley Road

Applicant: For a special exception to utilize the 14.65-acre parcel as a farm related to business.

Special exception for intensive raising of livestock or poultry in an R-1 zoning district

Variances related to section 402.A.28 raising of livestock and poultry

Fees Paid: September 1, 2022

Advertised: September 8, 2022, and September 15, 2022.

Posted: September 14, 2022

The Hearing Began at 7:11 p.m.

Mr. Dowling swore in applicant Jason Dufresne of 4401 Goose Valley Road.

Mr. Dowling swore in Amanda Zerbe, Zoning Officer.

Mr. Dowling questioned Ms. Zerbe when the fees were paid.

Ms. Zerbe answered that the applicant paid the fees on September 1, 2022. Mr. Dowling questioned if the application had been properly advertised and hearing notices posted. Ms. Zerbe answered that it was advertised in the Hummelstown Sun on September 8, 2022, and September 15, 2022; posted on September 14, 2022, and mailings were set to surrounding properties.

Mr. Dowling questioned where the mailings were sent to.

Ms. Zerbe answered twenty-eight neighbors.

Mr. Dowling questioned if this is the Hoffer track.

Ms. Zerbe answered yes.

Mr. Dowling questioned Ms. Zerbe on what Township Ordinances are at issue.

Ms. Zerbe answered Section 402.A.28, for raising of livestock and poultry and two special exceptions from section 306.B.1, for farm related business in a R-1 and intensive raising of livestock.

Mr. Dowling requested the applicant to explain the project.

Mr. Dufresne explained he would like to start a business to produce locally raised poultry and provide the community with produce in a manner than does not require a lot of transportation. The process is to keep the animals in pasture that provides better organic matter for the soil.

Mr. Dowling questioned if the applicant had any further testimony.

Mr. Dufresne noted to the letter that was submitted in his packet.

Mr. Dowling noted that would be entered as an exhibit. Mr. Dowling questioned what the property is being used for currently.

Mr. Dufresne answered it is his home.

Mr. Dowling questioned if it was a farm.

Mr. Dufresne answered there is evidence that at one time it was used as a farm noting to the additional structures on the property.

Mr. Dowling questioned Ms. Zerbe that this is a request for a Special Exception.

Ms. Zerbe answered yes.

Mr. Dowling questioned Ms. Zerbe that there are stringent requirements for a special exception.

Ms. Zerbe answered correct.

Mr. Dowling questioned the applicant if he was aware of these requirements.

Mr. Dufresne answered he had reviewed them. He noted to the Department of Aquiculture rules on intensive farming, and he does not meet the threshold of the state's definition of intensive farming noting they only have .6 animal equivalent units and the requirement by the state is two units per acre. Mr. Dufresne noted to the Townships Ordinance Chapter 203, Section 202, definition of raising livestock.

Mr. Dowling questioned the applicant if this is or is not intensive raising of livestock.

Mr. Dufresne answered it is not by the state's definition.

Mr. Dowling questioned Ms. Zerbe if the applicant is bound by the Ordinances of intensive raising of livestock.

Ms. Zerbe answered yes. She read the ordinance.

Mr. Dowling questioned that in addition to proposing livestock the applicant is proposing retail as well.

Mr. Dufresne answered correct. He explained the primary items to be sold would be items that would be created in house, and source items from other farms like beef, or items that could be made on the farm like furniture.

Mr. Dowling questioned Mr. Dufresne background and if the applicant has any farming experience.

Mr. Dufresne answered he grew up working on a farm and has recently attended trainings on farming of the way he would like to run his farm.

Mr. Dowling questioned Ms. Zerbe if she has any questions.

Ms. Zerbe answered the Board may ask their questions and then the Township has number of items they must review that need to be met for the variance.

Mr. Dowling noted his concern that the ordinance has a list of items that must be met, and the applicant has not really addressed those. Mr. Dowling requested Ms. Zerbe to review what those requirements are.

Ms. Zerbe listed the concerns, under livestock poultry and raising of, have to make sure he has the amount of acreage to do so; check the setbacks; understand the fencing that is described, staff is unclear if that meets the definition of the requirements; check the state nutrient management act and state regulations, question on the location of the buildings and being 100

feet within a perennial stream; check the manure storage facilities; does not have an erosion/sedimentation plan yet; and other issues with the farm related business.

Mr. Dowling noted his concern that Mr. Dufresne is not ready and does not have the background or expertise to answer all the questions presented by the zoning officer and recommended to find someone who is competent to help answer those questions.

Mr. Emery questioned the applicant on a follow up on his experience and the work on the farm.

Mr. Dufresne explained as a youth he helped on a dairy farm in the summers and has recently taken a course in Virginia and is currently taking a course from an organic farmer.

Mr. Emery questioned if the courses are certified by an entity.

Mr. Dufresne answered they are not and are run by individuals who have had success.

Mr. Emery questioned the business and if the applicant would be working at the business full time.

Mr. Dufresne answered that if granted this requested, he would work the farm full time and he or his wife would be onsite.

Mr. Emery questioned parking for special events.

Mr. Dufresne answered he would keep the parking they have and not add any additional noting he does not want to take land away for the livestock.

Mr. Emery questioned the selling of goods and the where items would be sold.

Mr. Dufresne answered the sales office would be in garage with an in-law apartment and gave an example of an event would be a canning class. Proposed hours would be Wednesday thru Friday and Saturday, 10am to 6pm.

Mr. Emery questioned deliveries to the farm.

Mr. Dufresne answered they would use their trailer to pick up supplies and he does not anticipate a tractor trailer on the property.

Mr. Emery questioned the fencing around the property.

Mr. Dufresne explained the fencing that is on the property and the I-81 barrier.

Ms. Zerbe noted the township staff does not feel this meets the requirements and she needs to have more information to know that the fencing will prevent the livestock from entering streets or unauthorized properties.

Mr. Emery questioned the enclosures.

Mr. Dufresne explained the enclosures for cows and calves and described the chicken pens noting they are two feet tall and a maximum size pen 10x10 or 6x8 pen with a windbreak size.

Mr. Emery questioned how many pens would be needed.

Mr. Dufresne answered that if you were to place sixty in one then he would need seven.

Mr. Emery questioned the applicant if he has spoken to his neighbor.

Mr. Dufresne answered that he has spoken in depth to many of his neighbors and they are in favor of the project.

Mr. Murphy questioned the elevation of the property.

Mr. Dufresne answered about sixty feet, noting there are some areas that are flat, and some are sloped.

Mr. Murphy questioned the applicant where the produce will be planted.

Mr. Dufresne noted to the map. Discussion followed with the planting areas, the number of animals, and grazing on the property.

Mr. Dowling questioned Ms. Zerbe that the township staff have several unanswered questions with this application.

Ms. Zerbe answered yes.

Mr. Dowling noted to Mr. Dufresne that under the requirements for special exception there are seven titles and Mr. Dowling noted he is not sure any of these are met at this time. Mr. Dowling gave two options from the Board; the Board can vote on the proposal as it stands or table until the applicant is able to address the all the issues the township has and come address all the requirements for a special exception.

Mr. Dufresne requested to table the application.

Mr. Reeder motioned to table Docket 1459 and Special Exception 22-03.

Mr. Murphy seconded the motion.

A unanimous voice vote followed in favor to table.

The meeting ended at 7:55 p.m.

Respectfully Submitted,

*Kristi Focht*

Kristi Focht, Recording Secretary