

NEW HOLLAND ZONING HEARING BOARD  
RECORD OF HEARING  
September 22, 2014

The New Holland Borough Zoning Hearing Board met on Monday, September 22, 2014 at 7 p.m. in Borough Hall. Members present were: Chairman W. Fred Brownlee, Vice-Chairman Donald L. Welsh and Charlene B. Richardson. Also present were: Borough Zoning Officer J. Richard Fulcher, Board Attorney Robert Sisko, court stenographer Diana Netherton, Attorney Jill E. Nagy representing the applicant Garden Spot Fire Rescue, Tim Sprecher, President of Garden Spot Fire Rescue, Lowell Parks, Board Member of Garden Spot Fire Rescue, Darrell Keiser, Deputy Chief of Garden Spot Fire Rescue, Borough resident, business owner and Council member Todd Burkhart, resident, local businessman and Council member Patrick Morgan and resident and Council member Terry Mohler.

Chairman Brownlee opened the meeting and took the roll for the Board members; with all present.

Donald Welsh made the motion that the Record of Hearing for the Board's Hearing of May 27, 2014 be approved as prepared by the Zoning Officer. This was seconded by Charlene Richardson and passed.

Chairman Brownlee then reviewed the purpose and procedures of the Zoning Hearing Board. The single case to be heard this evening is a request from Garden Spot Fire Rescue for a Variance to sign regulations for its electronic signs located at 339 East Main Street and 620 West Main Street, to allow a "Thanks for the Donation" display with the name of those entities which donate \$10,000 or more dollars to the Fire Company to be displayed for a certain amount of time. He then swore in for testimony Zoning Officer Fulcher and representatives of the applicant Tim Sprecher and Lowell Parks.

Ms. Nagy, Attorney for GSFR, stated that for clarification, she wants to be clear the request is only for the Thanks for the donation issue, not a request for a larger sign also. She did note that it was not clear in the record if the property was properly posted and the legal advertisements were correct. She did see one September 11<sup>th</sup>, but she reserves the right of objection related to this. She then questioned Tim Sprecher for case information and testimony. Mr. Sprecher also answered numerous questions from the Board members. Ms. Nagy noted that should the Board grant some form of relief, it could further delineate the applicant

as an organization supported by tax dollars, if there is concern for other non-profits coming in for a similar Variance.

Lowell Parks was then interviewed by Ms. Nagy, made numerous general comments and responded to questions from the Board.

Zoning Officer Fulcher testified that both properties involved were properly posted, with two Notices on each site, one of which for each property was on a part adjacent to the public sidewalk. The legal Notices in the newspaper were to have been in the paper the 11<sup>th</sup> and 18<sup>th</sup> but the Proof of Publication has not yet been received verifying this.

Residents Todd Burkhart, Patrick Morgan and Terry Mohler spoke individually, not in sworn testimony, but expressing their individual opinions and experiences with the applicant organization and the Variance elements.

The Hearing portion was then closed and the Board met briefly with its attorney in Executive session.

Upon reconvening the meeting, Board member Donald Welsh asked Mr. Sprecher if he felt that granting a Variance with the conditions of not allowing the sign to be used to sell advertising; that only the name of the donor of an amount of \$10,000 or more be placed on the signs with the statement submitted “Thanks for your generous support”; that such a display may not last longer than fourteen (14) consecutive days; and when this should occur the Fire Company is to notify the Borough Zoning Officer or Borough Manager in writing at least seven days ahead of the time the Thanks display is to be posted, would be acceptable.

Mr. Sprecher stated that they would accept this proposal.

Donald Welsh then made the motion that the request of Garden Spot Fire Rescue for a Variance under the Borough’s sign regulations to allow identification of an entity not operating a business on the properties of Garden Spot Fire Rescue for a public display of a Thank you on its electronic signs recognizing a donor who contributes \$10,000 or more to the organization be granted based on the information and testimony provided, with the following conditions:

1. The signs may not be used to sell advertising;
2. The “Thanks for your generous support” display is to indicate the name of the donor only;

3. The Thank you display may not last more than fourteen (14) consecutive days for one donation;
4. Prior to any Thank you display, Garden Spot Fire Rescue is required to notify the Borough's Zoning Officer in writing, not less than seven (7) days prior to the beginning of the fourteen (14) day display.

The motion was seconded by Charlene Richardson and approved. The Variance was granted with conditions.

The meeting adjourned at 8:20 p.m.

April 25, 2016  
Date Approved