



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

8853 Elizabethtown Road, Elizabethtown, PA 17022

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Minutes of a Meeting of The Mount Joy Township Zoning Hearing Board Wednesday, August 5, 2026

- 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: Gregory R. Hitz Sr., James E. Hershey, Robert F. Newton Jr., & Roni K. Clark
 - Members Absent: None
 - Township Representatives: Justin Evans, Assistant Zoning Officer
 - Lancaster County Court Reporter: Angela Kilby
 - Zoning Hearing Board Solicitor: John P. Henry, Esq. of Blakinger Thomas
- 3) A motion was made by James E. Hershey and seconded by Robert F. Newton Jr. to approve the minutes of the July 1, 2026 meeting. All members present voted in favor of the motion.
- 4) Mr. Evans confirmed that the public notice was published in the Friday, July 17, 2026 and Friday, July 24, 2026 editions of the LNP. The properties were posted on Monday, July 27, 2026.
- 5) Solicitor John P. Henry provided a procedural briefing for the meeting, noting that the Board will begin with two matters of old business before addressing new applications.
- 6) Old Business:
 - a. Zoning Case #260010 (Baltozer, Jonathan)

Solicitor Henry stated he polled the Board members individually to draft a written decision after the conclusion of testimony on July 1. As drafted, the decision containing Findings of Fact and Conclusions of Law approves the application with three conditions.

A motion was made by Robert F. Newton Jr. and seconded by James E. Hershey to approve the written decision as drafted to approve the application, subject to the following conditions therein:

 1. Applicant shall obtain a Use & Occupancy permit for the farm-related business.
 2. Applicant shall comply with all other provisions contained in Chapter 135 of the Code of Ordinances of Mount Joy Township for which relief has not been requested or granted herein.
 3. Applicant and any representatives of Applicant shall comply with and adhere to the testimony and any evidence presented to the Board at the hearing held on July 1, 2026, except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.
 - b. Zoning Case #240008 (Elizabethtown Mount Joy Associates, L.P.)

Attorney Julie Bernstein of Kaplin Stewart presented the time extension request on behalf of the landowner. They are requesting a one-year extension of approvals granted for this case to gain approvals of a land development plan and record it. The Board of Supervisors recently extended the agreement between the landowner and Township by one year for this project.

A motion was made by Robert F. Newton Jr. and seconded by James E. Hershey to grant a one-year extension of the approvals granted for this application. All members present voted in favor of the motion.

Solicitor Henry addressed Cases #260012 & #260013, which are similar applications for solar arrays represented by the same legal counsel. The Township was contacted by Randy Stevens whose home adjoins one of the subject properties with a request to continue both cases while out of town. The applicant consented to a continuance for Case #260013 but not #260012. The Board has the authority to continue one or both cases given the circumstances, and the applicant has been notified of this potential action.

7) Zoning Case #260012

- a. Applicant: SUNN 1015 LLC/Abundant Solar Power Inc.
- b. Landowner: Clair Mummau
- c. Property Location: 1311 Schwanger Road, Mount Joy, PA 17552, Tax Parcel ID #461-52560-0-0000
- d. Zoning District: (A) Agricultural District
- e. Special Exception Request:
 - (1) Chapter 135, Article XXIII, §135-313.D(1) – accessory large scale solar energy system

A motion was made by Robert F. Newton Jr. and seconded by James E. Hershey to approve a continuance for Case #260012 to September 9, 2026. All members present voted in favor of the motion.

8) Zoning Case #260013

- a. Applicant: Abundant Solar Energy Inc./SUNN 1020 LLC
- b. Landowner: Kevin Mummau
- c. Property Location: 1127 Grandview Road, Mount Joy, PA 17552, Tax Parcel ID #461-13213-0-0000
- d. Zoning District: (A) Agricultural
- e. Special Exception Request:
 - (1) Chapter 135, Article XXIII, §135-313.D(1) – accessory large scale solar energy system

A motion was made by Robert F. Newton Jr. and seconded by James E. Hershey to approve a continuance for Case #260013 to September 9, 2026. All members present voted in favor of the motion.

Solicitor Henry elaborated that both cases will be heard at the Mount Joy Township municipal building beginning at 6:00 p.m. on September 9.

9) Zoning Case #260011

- a. Applicant/Landowner: Lawrence L. Witters III
- b. Property Location: 1856 Sheaffer Rd, Elizabethtown, PA 17022, Tax Parcel ID #460-77750-0-0000
- c. Zoning District: (R-2) Medium-Density Residential District
- d. Variance Requests:
 - (1) Chapter 135, Article XI, §135-105.H(1) – maximum building coverage
 - (2) Chapter 135, Article XI, §135-105.H(2) – maximum impervious coverage

Landowner Lawrence Witters presented the application to the Board. He referred to a set of photographs submitted with the zoning hearing application when discussing the construction of the unpermitted driveway. Mr. Witters' intent was to capture runoff before it leaves the property. Approximately 35 tons of #3 stone make up the base with approximately 25 tons of #2B stone on top. Photographs show a downspout after a rain event discharging onto the driveway without runoff going elsewhere.

Mr. Witters confirmed receipt of the July 14 letter from the Zoning Officer and agreed to the proposed conditions in the letter. Mr. Hitz asked where the property stands with respect to the 25% maximum building coverage and 30% maximum impervious coverage requirements. The last permit for the subject property added a new shed in the back while removing a smaller shed. This put the lot coverage at the 30% maximum without the 115' x 12' driveway. Mr. Witters was under the impression that the permeable driveway does not count towards the maximum. Lot coverage with the driveway is 4,565 sf, or 44%. He confirmed that all downspouts from the home to go directly to the driveway and no runoff leaves the property or goes onto the roadway.

A motion was made by Robert F. Newton Jr. and seconded by James E. Hershey to approve the application, subject to the following conditions:

1. The Applicant shall apply for an obtain a zoning permit and any other applicable permits for the driveway.
2. The Applicant and/or the owner(s) of the Property shall comply with all other provisions contained in the Ordinance for which relief has not been requested or granted;
3. The Applicant and any representative of the Applicant, and any future owner of the Property, shall comply with and adhere to the testimony and any evidence presented to the Board at the hearing held on August 5, 2026 except to the extent modified by conditions imposed by the Board herein.

All members present voted in favor of the motion.

- 10) Solicitor Henry noted that the next regularly scheduled meeting of Wednesday, September 2, 2026 is cancelled since there are no new applications. A special meeting will be held on Wednesday, September 9, 2026 beginning at 6:00 p.m. to hear continued Cases #260012 & #260013. A motion was made by James E. Hershey and seconded by Robert F. Newton Jr. to revise the meeting agenda to reflect the continuances of Cases #260012 & #260013 to a meeting on September 9, 2026 at 6:00 p.m. and the cancellation of the September 2, 2026 meeting. All members present voted in favor of the motion.
- 11) A motion was made by James E. Hershey and seconded by Robert F. Newton Jr. to adjourn the meeting at 6:45 p.m. All members present voted in favor of the motion.

Respectfully Submitted,



Justin S. Evans, AICP
Assistant Zoning Officer

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