

Minutes  
April 11, 2019

Chairman Kreitzer called the meeting to order at 7:00 p.m. The meeting opened with the Pledge of Allegiance to the Flag and the Lord's Prayer.

Supervisors present were Reginald Daubert, Richard Kreitzer and Dean Patches. Also, in attendance were Attorney, Colleen Gallo; Engineer, Joseph Strauch; and sixteen (16) residents.

**Public Comments**

**Frank Madiera – Pine Ridge Village Homeowners Association**

The Pine Ridge HOA is still waiting for promised items from Parkside Homes. The Township has not heard anything more. The Township's Engineer was asked to follow up on the outstanding items as noted by Mr. Golding. Questions remain about the was constructed in the development. Mr. Strauss will be reviewing the inspection report. Mr. Patches commented that the Township cannot force conversion of the stormwater basins. That will be handled by the Conservation District. Mr. Strauss was also directed to check the sidewalks, fences, roads and the sewer cap which was struck by Parkside's contractor for snow removal.

**Lenny Neidig – 25 New Bunker Hill Road**

Mr. Neidig expressed his concerns about the Lebanon Valley Rail Trail being installed on this neighbor's property. The Township will set up a meeting with Mr. Neidig, the County and officials from the Lebanon Valley Rail Trail.

**Bid Opening – Paving 2019**

Bid Amounts	Penssy Supply	New Enterprise SL	H & K Group
350 Tons – Dead End Road	34,650.00	30,100.00	34,037.50
570 Tons - Swatara Road	56,430.00	49,020.00	52,953.00
140 Tons – Hickory Street	16,100.00	16,240.00	17,717.00
190 Tons – Walnut Street	21,850.00	22,040.00	23,142.00
190 Tons – Poplar Street	21,850.00	22,040.00	23,142.00
190 Tons – Birch Street	21,850.00	22,040.00	23,142.00
190 Tons – Oak Street	21,850.00	22,040.00	23,142.00
90 Tons – Elm Street	10,800.00	10,440.00	12,456.00
<b>TOTAL BID</b>	<b>205,380.00</b>	<b>193,960.00</b>	<b>209,731.50</b>

Supervisor Patches moved to award New Enterprise Stone and Lime the paving bid pending review of the bid documents by the Engineer and Solicitor. Seconded by Supervisor Daubert. All voted in favor; motion carried.

Zoning / Code Enforcement – The report provided by Light-Heigel was discussed.

#### Meeting Minutes

Supervisor Patches moved to adopt the minutes from the March 11<sup>th</sup> meeting. Seconded by Supervisor Daubert. All voted in favor; motion carried.

#### March 2019 Financial Report

Supervisor Daubert moved to accept the March 2019 Financial Report. Seconded by Supervisor Patches. All voted in favor; motion carried.

#### Bills Payable

Supervisor Patches moved to approve the bills payable list totaling \$138,531.52 from the Liquid Fuels, Monroe Valley Sewer Fund, Recreation and General Funds. Seconded by Supervisor Daubert. All voted in favor; motion carried.

#### Planning Commission Report – No Meeting

#### Recreation Board Report – Dean Patches

The Recreation Board met on April 8<sup>th</sup>. The Fall Fest planning is underway.

#### Township Report – Kirk Artz

The Road Crew has been performing road prep for paving, vehicle maintenance and trimming trees. Discussion was held of roads to be paved next year so repairs could begin this summer.

#### Stormwater Management – Joe Strauch

Inspections of stormwater facilities at 80 Black Oak and 333 Mountville Drive were done the week of April 8<sup>th</sup>. Mr. Golding is working on the review of the stormwater basin at the Mill Street Heights Development.

#### Communications

Northern Lebanon County Authority – February 26<sup>th</sup> Meeting minutes.

Quest will be hosting a Free Community Shred day on April 2<sup>th</sup>

FEMA sent notification that the new floodplain maps are available for review.

Senator Folmer sent a letter acknowledging receipt of the letter from the NL Township's expressing the lack of support for the proposed sliding scale State Police Tax.

GLRA will be holding a Public Hearing / Meeting on May 9<sup>th</sup> to discuss the proposed expansion of the GLRA facilities.

Census Bureau will be looking to train workers at the Township Building. They will need to provide dates.

Lebanon Daily News – EMS Workshop Advertisement

Keystone Municipal Collections will have extended hours until Tax Day – April 15<sup>th</sup>

Lighthouse Baptist Fellowship is opening on Lickdale Road at the Victory Lighthouse Property.

#### **OLD BUSINESS**

Elderberry Lane - Tabled

Recreation Board Vacancy – Tabled

#### **NEW BUSINESS**

Brian Martin Poultry Land Development Plan

Supervisor Patches moved to authorize the signing of the Brian Martin Poultry Land Development Plan. Seconded by Supervisor Daubert. All voted in favor; motion carried.

#### Jonestown Ag Waiver Request

The Board of Supervisors are unable to grant Zoning Waiver requests.

#### DCNR Grant Opportunity

Supervisor Kreitzer moved to ratify the Resolution for the DCNR Grant Application. Seconded by Supervisor Patches. All voted in favor; motion carried.

#### 137 Swatara Road

The realtor for a potential buyer requested a letter stating that there were no buildings of historic value on this lot. The Township is unable to make that determination.

#### Andrea Snavelly – Township Concerns - 2093 Kenbrook Road

Ms. Snavelly had received information regarding burning on Sundays from Mr. Kreitzer. She felt intimidated by his demeanor and requested that the Township make all future contact with her through the postal service. Ms. Snavelly provided a letter of her complaint.

#### Carol Sojda – Township Concerns – 2101 Kenbrook Road

Ms. Sojda provided a written zoning complaint to the Board regarding 2111 Kenbrook Road. The complaint is attached to the minutes. This property is owned by Supervisor Kreitzer in conjunction with his son. The complaints will be forwarded to the zoning officer for investigation and a response will be provided to Ms. Sojda.

#### Building Improvements

A list of items for possible building improvements will be compiled and discussed at budget time.

#### Attorney's Report – Colleen Gallo

Ms. Gallo reported that on-lot reminder letters have been mailed to those who haven't complied. Copies of the 2018 IPMC Code have been received and will be discussed at a future workshop.

Engineer's Report – Nothing further to report.

#### Adjournment

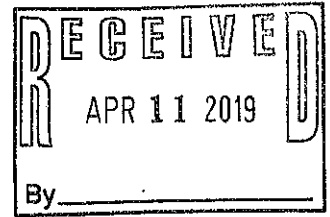
Supervisor Patches moved to adjourn the meeting at 8:25 p.m. Seconded by Supervisor Daubert. All voted in favor; motion carried.

Respectfully Submitted,

Jennifer Harding

April 11, 2019

Swatara Township  
68 Supervisors Drive  
Jonestown, PA 17038



To Whom It May Concern,

This letter serves as our official complaint regarding zoning and ordinance violations at 2111 Kenbrook Road, Lebanon, PA 17046. This property is jointly owned by Ricky Kreitzer and his father, Richard Kreitzer, who serves on the Swatara Township Board of Supervisors, Lebanon, PA. Ricky Kreitzer resides at the property with his fiancé, Wanda Zertuche.

These complaints are pursuant to Township of Swatara (Lebanon, PA), Chapter 27 Zoning, Part 28 Complaints Regarding Violations, which states "*Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a formal complaint in writing.*"

### **Complaint #1 – Violation of Swatara Twp. Zoning Law (100-foot setback)**

*Chapter 27 Zoning, Part 6 A — AGRICULTURAL DISTRICTS  
§ 27-602 Permitted, Special Exceptions and Conditional Uses.*

*1. Permitted Uses. The following uses are permitted, subject to the requirements listed herein and in §§ 27-603 and 27-604 of this Part:*

*C. Intensive animal husbandry, provided that:*

*(1) Structures in which livestock or fowl are kept shall be no closer than 100 feet to any lot line or street right-of-way and 500 feet to any residentially zoned property.*

In approximately April or May of 2018, Richard Kreitzer and his son Richard ("Ricky") Kreitzer, Jr. jointly purchased the home and property located at 2111 Kenbrook Road in Swatara Township, Lebanon, PA, which is adjacent to our property at 2101 Kenbrook Road. Ricky Kreitzer has since lived there with his fiancé, Wanda Zertuche, and her two children.

Not long after they moved in, Ricky Kreitzer told me (Carol Sojda) during conversation that he "doesn't have to worry about township ordinances or obtaining permits because his dad is the Township Supervisor." Since that time, and as recent as 3/24/2019, Ricky Kreitzer has erected numerous buildings/structures that house various types of fowl at the rear of his property and only several feet from our property line, clearly violating the 100-foot setback per Swatara Township zoning, as the property use is residential. We also witnessed Ricky's father, Swatara Township Supervisor Richard Kreitzer, delivering some of these structures to 2111 Kenbrook

Road. All or most of these structures on Ricky Kreitzer's property currently house various and numerous types of fowl (turkeys, ducks, pheasants, guinea, grouse, roosters, etc).

In addition to the zoning violation stated above, we are also very concerned as to what is being done with the fecal waste from these fowl. Our concern is that the manure is not being properly removed and is subsequently contaminating the ground water which is used for water wells on the adjoining properties. ***Again, please note that 2111 Kenbrook Road is a residential use property, not a farm.***

It is assumed that permits were NOT obtained since Richard Kreitzer, as the Swatara Township Supervisor and joint property owner at 2111 Kenbrook Road, should be fully aware of all township ordinances and zoning laws, specifically the one that states "structures in which livestock or fowl are kept shall be no closer than 100 feet to any lot line" and the property use is residential.

### ***Complaint #2 – Violation of Swatara Twp. Ordinance (Swimming Pool Fence)***

*§ 27-1403 Accessory Uses. [Ord. 21A, 9/2/1982, § 14.03]*

*1. Private, noncommercial swimming pools which are designed to contain a water depth of 24 inches or more, regardless of whether they are permanently affixed or movable, shall be located on the same lot or tract as the dwelling and shall be permitted neither in the required front yard nor closer to any street line than the dwelling. In all other yards, a pool shall not be closer than 15 feet to any lot line, as measured from the water's edge. All pools shall be completely enclosed with a continuous impenetrable fence or barrier no less than four feet in height above the ground level and shall be equipped with a lockable gate or retractable ladder. Any deck, patio or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than 10 feet to the side or rear lot line.*

By definition, an impenetrable fence or barrier is "one that is impossible or very difficult to get through." During the summer of 2018, Ricky Kreitzer and Wanda Zertuche erected an above-ground swimming pool (more than 24 inches of water depth) in their back yard, and then placed what appears to be animal wire around the pool with metal stakes holding the fence up. Such animal wire is NOT impenetrable and could lead to serious physical harm or death if a young child, or even an adult, who doesn't know how to swim leaned or climbed on the fence and gained access to the pool, not to mention negligence on the part of the property owners (Ricky Kreitzer and Richard Kreitzer, Swatara Township Supervisor.

### ***Complaint #3 – Violation of Swatara Township Ordinance (Noise Disturbance)***

*§ 2-205 Noise Disturbance. [Ord. 2001-46, 4/12/2001]*

*It shall be illegal in Swatara Township for any person or persons to own, possess, harbor, or control any dog, bird, or other animal which makes any noise continuously and/or incessantly*

*for a period of 15 minutes, or makes such noise intermittently for 30 minutes or more, to the disturbance of any person any time of the day or night, regardless of whether or not the dog, bird, or other animals physically situated in or upon private property, said noise being a nuisance; provided that, at the time the dog, bird, or other animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the dog, bird, or other animal is situated, nor is there any other legitimate cause which justifiably provoked the dog, bird, or other animal.*

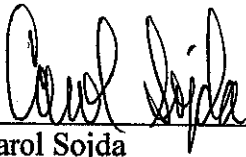
As mentioned above in Complaint #1, there are numerous fowl contained in the structures at the rear of the property owned by Ricky Kreitzer and his father, Richard Kreitzer. These birds make noise continuously throughout the day and night, and intermittently for well over 30 minutes.

In addition to the noise from the birds, Ricky Kreitzer and Wanda Zertuche have two dogs (beagles) that they either put out on a run or confine to their deck. These dogs bark and yelp very loudly, sometimes for well over 15 minutes. We have never heard anyone trying to correct the dogs to stop barking, as they allow it until they take them inside. Furthermore, the neighbors on the other side of us have contacted us regarding these dogs making noise, concerned that the dogs were being hurt due to the loud "screeching" noise consistently heard, even from two houses away.

We are no longer able to enjoy our property with the constant noise made by these birds and dogs throughout the entire day. We have lost the peaceful enjoyment of our home due to this noise disturbance. We are unable to open our windows for fresh air due to the noise disturbance made by both the birds and dogs.

We respectfully request that the above violations are investigated and remediated as soon as possible. If you have any questions or need additional information, please contact either one of us at the phone numbers listed below.

Respectfully submitted,



Carol Sojda  
717-454-7768



Carol Lutzkanin  
231-330-5664

Property owners at:  
2101 Kenbrook Road  
Lebanon, PA 17046