

LITTLE BRITAIN TOWNSHIP
ZONING HEARING BOARD MINUTES
JANUARY 17, 2024

The Little Britain Township Zoning Hearing Board held its regular monthly meeting on Wednesday, January 17th at 5:30 p.m. at the Little Britain Township Municipal Building located at 323 Green Lane Quarryville, Pennsylvania. Prior notice was given.

Laurie Topper, Chair called the meeting to order at 5:30 p.m.

Members

Laurie Topper, Chair
Shauna Osborne
George Osborn

Julie Miller, ZHB Solicitor
Laura McGarry, ZHB Solicitor

Others

Christine Jackson, Zoning Officer/BCO
Angela Sanders, Township Solicitor
Caitlin Donahue, Township Solicitor
Rogelio Vivero, Appellant
Mark Thompson, Counsel for Appellant Rogelio Vivero
Melissa Rheinstadler, Counsel for Appellant Rogelio Vivero
Randal Weiss, DEP
Angela Bransteitter Davis, Counsel for DEP
Robert Pawlinski, Counsel for DEP
Alejandro Perez
Elva Renteria
Juan Rodriguez
Brendan Filliaux
Susan Ferrari
Damon Ferrari
Elaine Nicholl

Start Time: Solicitor Miller explained to all present that there was a mistake on the Township website regarding the start time of this meeting. The posted agenda stated a 5:00 PM start time, but the calendar stated a 5:30 PM start time. All parties to the Appeal of Rogelio Vivero agreed to start the meeting at 5:30 PM, and that no appeals would be filed or taken concerning the advertising of the start time. No business was conducted from 5:00-5:30 PM.

Call to Order

Ms. Topper called the meeting to order.

Reorganization of Board

- **Motion** made by Shauna Osborne, seconded by George Osborn, and carried (3-0), reappointing Laurie Topper as Chair.
- **Motion** made by Shauna Osborne, seconded by Laurie Topper, and carried (3-0), appointing George Osborn Vice Chair.
- **Motion** made by Shauna Osborne, seconded by George Osborn, and carried (3-0), reappointing RKG Law as Solicitor for the Zoning Hearing Board.

Appeal of Rogelio Vivero to Notice of Enforcement Dated October 17, 2023

Continued from December 20, 2023.

- Chair Laurie Topper re-opened the hearing for the Appeal of Rogelio Vivero. A court reporter was present and the stenographic transcript will be the official record of the hearing.
- The Township Solicitor presented the testimony of Randal Weiss, DEP Solid Waste Specialist, and Christine Jackson, Zoning Officer. Both witnesses were sworn in by the court reporter. Township Exhibit E: DEP Report was admitted into the record. The Board deferred a decision on the admission of Township Exhibits A-D, F-L, N, and Q-X. Mr. Weiss and Ms. Jackson were subject to cross examination by Counsel for Appellant.
- Recess called by Laurie Topper at 7:00 PM.

Application of Brendan Filliaux for Special Exception Under Section 440 of the Zoning Ordinance

Continued from December 20, 2023.

- At 7:10 PM Chair Laurie Topper reconvened the Board to render a decision on the Application of Brendan Filliaux for a Special Exception Under Section 440 of the Zoning Ordinance to house up to eighteen (18) Group 1 animals in the R1 District.
- **Motion** made by Laurie Topper, seconded by George Osborn and carried (3-0), to deny the application because adequate evidence was not provided for the Board to grant the request.

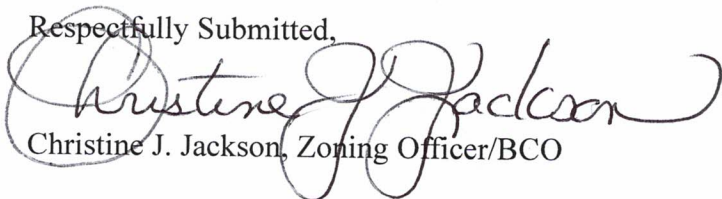
Reconvened Appeal of Rogelio Vivero to Notice of Enforcement Dated October 17, 2023

- At 7:25PM Laurie Topper, Chair reconvened the hearing for the Appeal of Rogelio Vivero.
- The Township Solicitor called Appellant Rogelio Vivero to testify as on cross examination. Counsel for Appellant objected to Mr. Vivero's testimony and stated that he intended to present the testimony of Elva Renteria on behalf of Appellant. Solicitor Miller noted that Applicants/Appellants are often called as on cross examination and discussed issuance of a subpoena to compel Mr. Vivero's testimony. The Township Solicitor agreed to defer a decision on the subpoena until the conclusion of Ms. Renteria's testimony. Solicitor Miller stated for the record that the Township had not rested its case and the decision concerning Mr. Vivero's testimony was deferred until the conclusion of Ms. Renteria's case. Counsel for Appellant did not object.
- Counsel for Appellant presented the testimony of Elva Renteria, who was sworn in by the court reporter. Ms. Renteria was subject to cross examination by the Township Solicitor.
- At the conclusion of Ms. Renteria's testimony, the Township Solicitor requested the issuance of a subpoena to compel the testimony of Appellant Rogelio Vivero, and agreed to have an interpreter present, at the Township's expense.
- Following a discussion off the record, the hearing was continued to February 21, 2024 at 7:00 p.m. for the Township's presentation of Mr. Vivero's testimony, and Appellant's presentation of expert testimony by David Beyer, Ph.D., Professor of Mushrooms from Penn State University.

Adjournment

There being no further business to come before the Board, **Motion** made by Laurie Topper, seconded by Laurie Topper and carried (3-0), to adjourn the meeting at 8:10 PM and reconvene on February 21, 2024.

Respectfully Submitted,



Christine J. Jackson, Zoning Officer/BCO