

September 2, 2026

VIA E-FILE PORTAL

Lyle Hartranft, Esq.
Commonwealth of Pennsylvania
Office of Open Records
333 Market St., 16th Floor
Harrisburg, PA 17101-2234

**Re: Hudak v. Heidelberg Township
OOR Dkt. AP 2026-3442**

Dear Mr. Hartranft:

Heidelberg Township (“Township”) is a local agency subject to the Right-to-Know Law (“RTKL”) that is required to disclose public records. *See* 65 P.S. § 67.302. The Township provided all responsive records that it was able to locate within the statutory timeframe under the RTKL. Further, the Township followed this initial response with a supplemental response providing the remaining records within its possession custody or control. The Township asserts that as of the date of the filing of this appeal submission that all responsive records within its possession, custody or control have been provided to Mr. Hudak. No further responsive records exist within its possession, custody or control. Accordingly, the Township respectfully requests that the Office of Open Records deny the instant appeal.

A. Mr. Hudak’s RTKL Request

On July 9, 2026, the Township received a request for records from Mr. Hudak (the “Request”).¹ A copy of the Request is attached hereto as Exhibit “A.”

The Request sought the following:

¹ Although Mr. Hudak’s Request is dated June 24, 2026, it was not received by the Township until July 9, 2026.

Threshold items — address, parcel identity, and search scope

Because the parcel has appeared under more than one street address in Township records (5930 and 5932 Colonial Valley Road, an “8930 Colonial Valley Road” entry corrected by hand on one permit, and a possible “Menges Mill Road” reference) and the owner under more than one name, the requester asks that every item in this request be searched by parcel number (30-000-FF-0153.00-00000) and by each address variant and each Owner/Operator name variant, so that records filed under one address or name are not omitted when another is searched.

- 1. All records assigning, changing, or correcting any street address for the parcel, including any county uniform / 911 addressing records in the Township’s possession.*
- 2. All records concerning the street address shown on Building Permit No. 1489-15, which was printed as “8930 Colonial Valley Road” and corrected by hand to “5932 Colonial Valley Road,” and any record explaining that correction.*
- 3. All records mapping the addresses 5930 Colonial Valley Road, 5932 Colonial Valley Road, “8930 Colonial Valley Road,” and any “Menges Mill Road” address to Parcel No. 30-000-FF-0153.00-00000, and any record indicating whether those addresses denote separate structures, units, suites, or tenant spaces on the single parcel.*
- 4. Any record indicating whether the parcel has ever been subdivided, or whether 5930 and 5932 Colonial Valley Road are separate lots of record; and the current deed and tax-parcel record for the parcel in the Township’s possession.*
- 5. All subdivision and lot-line records concerning the parcel in the Township’s possession, including any plan that created the parcel or that separated it from, or combined it with, any adjoining parcel — including Parcel No. 30-000-FF-0144.B0-00000 (6055 West Side Avenue) and the parcel historically referenced as “151” in the chain of title (the “(COMB W/151)” notation).*
- 6. All recorded deeds and conveyances for the parcel in the Township’s possession, including the August 5, 2014 conveyance to Menges Mill Management LLC (York County Deed Book 2287, Page 4630) and the October 6, 2017 conveyance to the Commonwealth of Pennsylvania (Deed Book 2442, Page 1347), together with any record describing the interest transferred by the 2017 conveyance.*
- 7. All records concerning the location at which Kim’s Krypt Haunted Mill and/or The Korral (or any predecessor adult-related or social-club use, including any use operated as “Hedo Farm Resort” or “The Farm Travel Club”) operated before operating at the parcel, including at 6055 West Side Avenue (Parcel No. 30-000-FF-0144.B0-00000), and any record concerning the relocation or transfer of any such use to the parcel.*
- 8. Records sufficient to show the zoning district classification of the parcel (including the applicable zoning map sheet) and any change to that classification.*

I. Zoning permits, determinations, and classifications

- 9. All zoning permits issued for the parcel, 5930 Colonial Valley Road, and/or 5932 Colonial Valley Road, and all applications therefor.*
- 10. All written determinations, interpretations, or decisions issued by the Zoning Officer concerning the parcel, including any determination of permitted use, accessory use, change of use, or use classification.*
- 11. Any determination, correspondence, or analysis addressing whether any use at the parcel constitutes an "Adult-Related Use" as defined in the Zoning Ordinance, and any application of the supplemental standards of Part 8, § 8.4.A (including separation and locational criteria) to the parcel.*
- 12. Any zoning permit or determination addressing overnight accommodations, lodging, rooms, or transient occupancy at the parcel.*
- 13. All records of any conditional-use application, hearing, or decision concerning the parcel.*

II. Nonconforming use

- 14. Any nonconforming-use registration, certificate, application, or other record establishing the existence, commencement date, and scope of any nonconforming use at the parcel.*
- 15. Any file, inspection record, or periodic-examination record maintained for any nonconforming use at the parcel, including records maintained under Zoning Ordinance § 11.1.A.1 (duties of the Zoning Officer to inspect nonconforming uses).*
- 16. Any record establishing whether any nonconforming use claimed at the parcel existed at the parcel before the August 5, 2014 conveyance to Menges Mill Management LLC, and any record addressing whether a nonconforming use was relocated to the parcel from another property.*

As to the two items above, the requester asks that the search not be limited to the period stated at the outset but extend to the inception of any nonconforming use at the parcel, including records predating January 1, 2011.

III. Zoning Hearing Board

- 17. All Zoning Hearing Board applications concerning the parcel (special exception, variance, or appeal of a determination).*

18. *All Zoning Hearing Board decisions, orders, findings of fact, and conclusions of law concerning the parcel.*
19. *All Zoning Hearing Board hearing notices, public-notice publications, agendas, sign-in sheets, minutes, transcripts, and exhibits concerning the parcel.*
20. *Any record evidencing a special exception granted under Zoning Ordinance § 7.30 (expansion or alteration of a nonconforming use) for the parcel; if none exists, a written statement to that effect as to this item.*

IV. Building permits, plans, inspections, and occupancy

21. *All building permits issued for the parcel, including but not limited to Permit Nos. 1478-15, 1489-15, 1036-16, 0149-25, B25-003, 2034-25, and B25-031, and any others, together with all applications therefor.*
22. *All construction documents, site plans, and drawings submitted in connection with any permit for the parcel, including the plan titled “Proposed Pool Cabanas” (Architecture Workshop, Inc.) and any plan bearing an “Approved for Construction” stamp.*
23. *All permit checklists, plan-review records, and intake records for the parcel.*
24. *All inspection records, inspection reports, and inspection results for the parcel, of any type (building, zoning, fire, electrical, or other), including any record of inspection conducted before or after issuance of any permit.*
25. *All certificates of use and occupancy (and applications therefor) issued, denied, or pending for the parcel, including for the haunted attraction use and for any club, social-club, or overnight-accommodation use.*
26. *Any record reflecting commencement of work or use prior to issuance of a permit, including any doubled-fee assessment under Zoning Ordinance § 11.2.A.1, and any stop-work order issued for the parcel.*
27. *All permits, applications, and records concerning the swimming pool at the parcel, including any record filed or indexed under a “Menges Mill Road” address.*
28. *The identity of any third-party agency or individual serving as the Township’s Building Code Official, Uniform Construction Code administrator, or inspection agency for the parcel, and all permits, plan reviews, inspection records, and correspondence concerning the parcel held by the Township by virtue of that relationship.*

V. Land development, SALDO, and outside-agency review

29. *All land development and/or subdivision plan submissions for the parcel, in any version or revision.*

30. *All engineering and plan-review correspondence and reports concerning the parcel, including all reviews by C.S. Davidson, Inc. and by GHI Engineers.*
31. *Any waiver request under the Subdivision and Land Development Ordinance for the parcel and any action taken on such request.*
32. *Any Board of Supervisors action (approval, conditional approval, denial, or conditions imposed) on any land development or subdivision plan for the parcel, and any plan recorded or submitted for recording.*
33. *All correspondence and transmittals between the Township and the York County Planning Commission concerning the parcel, including all records associated with YCPC File #30-25-01-27-0016.*
34. *All pre-application, sketch-plan, or informal-review records concerning the parcel, and all records of any Heidelberg Township Planning Commission referral, review, recommendation, or action on any plan for the parcel.*
35. *All stormwater management plan submissions, reviews, and approvals for the parcel.*
36. *All records of the sewage planning module, Sewage Enforcement Officer review, and/or Pennsylvania Department of Environmental Protection review for the parcel that are in the Township's possession.*
37. *All records of erosion-and-sediment-control review or York County Conservation District approval for the parcel that are in the Township's possession.*

VI. Enforcement and complaints

38. *All notices of violation, enforcement notices, and citations issued concerning the parcel.*
39. *All complaints received by the Township concerning the parcel or either business (including zoning, building, occupancy, noise, nuisance, or other complaints), and all Township responses thereto.*
40. *The Township's zoning enforcement log or record to the extent it references the parcel or either business.*
41. *All correspondence concerning compliance or enforcement at the parcel.*

VII. Use-specific records — The Korral and any predecessor adult-related or social-club use

42. *All records concerning the adult-related or social-club use at the parcel operating as “The Korral,” and any record concerning a predecessor or related use of the same operation known as “Hedo Farm Resort” or “The Farm Travel Club” (thefarmtravelclub.com), including any permit, occupancy, licensing, registration, or use record, and any record connecting such predecessor name or use to the parcel or to the Owner/Operator Parties.*
43. *All records concerning overnight accommodations, private-stay rooms, or transient lodging at the parcel.*
44. *All fire-safety, health, building-safety, or licensing records concerning the club or overnight-accommodation use at the parcel.*

VIII. Use-specific records — Kim’s Krypt Haunted Mill

45. *All records concerning the business or use operating as “Kim’s Krypt Haunted Mill” at the parcel, including any permit, occupancy, or seasonal-use record.*
46. *All assembly-occupancy, fire-safety, and fire-marshall inspection records concerning the haunted-attraction use at the parcel.*

IX. Communications (email, text, and other electronic messages)

This section requests Communications as defined above. So that the search is complete and answerable, the requester asks the Township to treat each custodian listed in the table below as a separate item, and to search and produce all Communications concerning the parcel for each custodian for the period January 1, 2011 to the present.

47. *All Communications between any Township official, employee, or agent and any of the Owner/Operator Parties (as defined above) concerning the parcel.*
48. *All internal Communications among Township officials, employees, or agents concerning the parcel.*
49. *All Communications reflecting any prior Township Manager’s review, handling, conditioning, withholding, or denial of any permit, approval, or plan for the parcel.*
50. *For each custodian identified in the table below, all Communications concerning the parcel. Each custodian is a separate item for response.*

#	Custodian	Role/Title
1	Chris Walker	Zoning Officer / Building Code official
2	Judy Mustard	Township Manager / Open records Officer

3	<i>Timothy R. Hanse</i>	<i>Chairman, Board of Supervisors</i>
4	<i>All other members of the Board of Supervisors</i>	<i>Supervisors (each, individually)</i>
5	<i>Katie Holmes</i>	<i>Township Secretary</i>
6	<i>Township Solicitor</i>	<i>Solicitor to the Township / Board of Supervisors</i>
7	<i>Andy Brough</i>	<i>Chairman, zoning Hearing Board</i>
8	<i>Jay Kalasnik</i>	<i>Solicitor, Zoning Hearing Board</i>
9	<i>C.S. Davidson, Inc.</i>	<i>Township Engineer (and GHI Engineers, as applicable)</i>
10	<i>Prior Township Manager(s)</i>	<i>Predecessor(s) to the current Township Manager</i>

Format of Communications. Please produce Communications in native electronic format, retaining all metadata, including the sender, all recipients (including cc and bcc), date and time stamps, subject lines, and any attachments. Please do not produce email or messages solely as flattened images, screenshots, or printouts that omit sender, recipient, or date/time routing information.

X. Financial and meeting records

- 51. All invoices, fee assessments, escrow records, and payment records concerning the parcel, including application fees, engineering-review fees, and any doubled fees.*
- 52. All minutes and agendas of the Board of Supervisors, the Planning Commission, and the Zoning Hearing Board that reference the parcel or either business, for the period January 1, 2011 to the present.*

B. The Township's Response to the Request

Following a 30-day extension, the Township responded to Mr. Hudak's Request on August 18, 2026. A copy of the Township's response letter is attached hereto as Exhibit "B." Due to the voluminous nature of Mr. Hudak's request the Township was not able to produce all of the records in its possession, custody or control that were responsive to the request. On August 17, 2026, the Township sought a mutually agreeable extension from Mr. Hudak, which he refused. The Township produced, with the response letter, the records that it was able to find and review within the 30-day extension period. The Township also made Mr. Hudak aware of the fact that it

anticipated additional records responsive to his request and that would be provided to him once located and reviewed whether disclosure was appropriate.

On August 20, 2026, Mr. Hudak filed the instant appeal (the “Appeal”). In his appeal submission Mr. Hudak asserts multiple violations of the RTKL by the Township including violations of section 902(b), 903, and 706. Mr. Hudak further asserts that the Township must provide all records within the 30-day time frame statutorily required by the RTKL.

To be clear, the Township does not dispute that at the time Mr. Hudak filed the Appeal that additional records were within its possession, custody or control. The Township required more time to conduct its good faith search to locate these records. On September 2, 2026, the Township provided a supplemental response to Mr. Hudak enclosing further responsive records and directing his attention to where further responsive records are freely available to the public. A copy of that supplemental response that is attached and incorporated herein as Exhibit “C.”

C. The Township’s Legal Position

- 1. The Township provided Mr. Hudak with all of the records responsive to his request that it could locate in its original response and the supplemental response. Therefore, the Appeal as to these requests should be dismissed as moot.**

Records in possession of a local agency are presumed public unless exempt under the RTKL or other law, or protected by a privilege, judicial order, or decree. *See* 65 P.S. § 67.305. An agency bears the burden of proving the applicability of any cited exemptions. *See* 65 P.S. § 67.708(a). Section 102 of the RTKL defines a “record” as “[i]nformation, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency.” 65 P.S. § 67.102.

The Township does not deny that records requested by Mr. Hudak are public records. Rather, the Township was unable to locate the voluminous amount of records requested by Mr. Hudak in the 30-day extension window. Therefore, it provided Mr. Hudak with the records it was able to locate within the 30-day extension time frame in its initial response. The Township provided these records to Mr. Hudak in their entirety with no redactions made and communicated that it would continue its good faith search and supplement its response as it was able to locate more records that are responsive to the request.

Mr. Hudak objects to the documents provided on the basis that the Township did not provide these records with a number that corresponds with the request which the document is associated with. However, there is no requirement under the RTKL that the agency respond by providing responsive records in such a manner. The RTKL provides that “an agency shall make a good faith effort to determine if the record requested is a public record...and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible.” 65 P.S. § 67.901. It is a bedrock principle that “[w]hen responding to a request for access, an agency shall not be required to...compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.” 65 P.S. § 67.705; *see also Rinaldi v. Jessup Borough*, Dkt. 2019-0728 (O.O.R. 2019) (“the RTKL does not require an agency to organize the records in any manner when responding to the [r]equest.”).

Because the records enclosed in the initial response have been provided in their entirety and the Township is under no obligation to provide the records with a number associating it to a specific request there is no controversy for the OOR to decide and therefore, the appeal as to these requests should be dismissed as moot.

Further, the Township supplemented its response on September 2, 2026, with a second response containing additional records responsive to Mr. Hudak's request. Along with the responsive records enclosed with the supplemental response, the Township directed Mr. Hudak to responsive records that are freely available to the public online by providing links to pages on the Township website and the York County Recorder of Deeds. Section 704 of the RTKL expressly authorizes an agency to make records available through publicly accessible electronic means and to respond to requests by notifying the requester that the record is available through such means. 65 P.S. § 67.704(a)-(b). Thus, where responsive records are posted on the Township's website or are otherwise accessible through a public online portal, the RTKL permits the Township to identify that publicly accessible source rather than duplicate records already available to the requester. Moreover, the Office of Open Records has routinely held that "providing all of an agency's meeting minutes is a permissible response to a request which seeks specific portions of those meeting minutes." *In the Matter of Betsy Radcliffe v. Avonworth School Dist.*, Dkt. AP 2022-1477 (O.O.R. Aug. 29, 2022) (citing *In the Matter of Allan Nowicki v. Tinicum Twp.*, Dkt. AP 2018-0255 (O.O.R. Mar. 20, 2018)).

When an agency supplements its original response with additional records that are responsive to the original request the appeal is mooted as to the request for those records. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021). Because these records have been provided to Mr. Hudak, via the supplemental response, Mr. Hudak's appeal as to those records should similarly be dismissed as moot.

- 2. The Township did not deny any of the requests made by Mr. Hudak, but it reserved its right to raise reasons for denial on appeal.**

The RTKL requires that when an agency denies a request that it do so in writing and that writing,

shall include a description of the record requested, the specific reason for the denial, including a citation of legal authority, the typed print name, title, address, business telephone number, and signature of the open records officer whose authority the denial is issued, date of response, and the procedure to appeal the denial of access under...

the RTKL. 65 P.S. § 67.903. Moreover, when an agency does not respond to a request at all or in a timely manner the request is deemed denied. 65 P.S. § 67.901. In either case the Pennsylvania Supreme Court has held that the agency does not waive a reason for denial of a request simply for not raising it in its initial response. *Levy v. Senate of Pennsylvania*, 619 A.3d 361, 383 (Pa. 2013). The agency has the ability to assert any reason for denial on appeal that it did not assert in its initial response. *Id.*

Therefore, Mr. Hudak's statement that the agency must assert all reasons for denial in its initial response has no support in the law. Section 903 of the RTKL only states that the agency state the reason for denial and cite to specific legal authority, not that it must state every reason for denial or all potential reasons for denial. *Id.* at 380. The Township did not waive any reasons for denial by failing to state them in its initial response. The Township stated no reason for denial because as of its initial response the Township had no reason to deny any of Mr. Hudak's request. The Court in *Levy* has already determined that when an agency's response is deemed denied for not providing the responsive records that it would undermine Section 708 of the RTKL by not giving the agency an opportunity to state a reason for denial on appeal. *Id.* at 382. Thus, the Township has reserved all reasons for denial of the request for this appeal.

3. The Township does not have records responsive to the remainder of the request within in its possession, custody or control.

Dispositively, there are no records in the Township's possession, custody, or control responsive to the remainder of Mr. Hudak's request. Pursuant to the RTKL, "an agency shall make a good faith effort to determine if the record requested is a public record... and whether the agency has possession, custody or control of the identified record." 65 P.S. § 67.901. In *Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Cmwlth. 2022), the Commonwealth Court discussed the evidence required to establish the absence of records, quoting its previous decision in *Hodges v. Pa Dep't of Health*, which held that an agency "may satisfy its burden of proof... with either an unworn attestation by the person who searched for the record or a sworn affidavit of nonexistence of the record." See also *Campbell v. Pa. Interscholastic Athletic Ass'n*, 268 A.3d 502 (Pa. Cmwlth. 2021) (noting that an agency need only prove the nonexistence of records by a preponderance of the evidence, the lowest evidentiary standard, and is tantamount to a "more likely than no" inquiry). Under the RTKL, an affidavit may serve as sufficient evidentiary support of the nonexistence of records. See *Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Cmwlth. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Cmwlth. 2010). Further the OOR does not make determinations as to whether responsive records should exist, as the inquiry is limited to only whether or not records are "in existence and in possession of ... the agency at the time of the right-to-know request." *Moore*, 992 A.2d 909.

After sending an initial response to Mr. Hudak the Township continued its good faith search for records responsive to the Request. Ms. Mustard contacted all individuals listed in the Request and engaged in a searching inquiry of the Township's zoning and land development records and found no records within the possession, custody, or control of the Township that were responsive to items 1, 4, 5, 10, 12, 14, 15, 16, 24, 27, 29, 31, 35, 36, 37, 38, 39, 40, 41, 44, 46, 50

as to communications from Tim Hansen, Andy Brough, Katie Holmes, Jay Kalisnik, the Township Solicitor, and Judy Mustard, and 51.

The Township was able to locate responsive records for portions of but not the entire request in a few of the items. For item 19 the Township provided to Mr. Hudak in the supplemental response, everything it had with relation to the Zoning Hearing Board determination for the property. Everything else requested in item 19 did not exist within the Township's possession, custody or control. For item 23 the Township provided all of the records it had in its possession custody or control except for the permit checklist. This is because the permit checklist does not exist within the possession, custody or control of the Township. For item 26 the Township issued all records it could locate except for the stop work order because one was never issued. Therefore, the record does not exist within the possession, custody, or control of the Township.

The Township, as evidenced by the Mustard Affidavit, which is attached hereto as Exhibit "D" and incorporated herein by reference, is not in possession custody or control of any records responsive to the remainder of the Request. Accordingly, the Township has met its burden of proving that no responsive records exist in the Township's possession, custody, or control for those items.

Because the Township made all responsive records within its possession, custody or control available, Mr. Hudak's appeal should be denied.

Respectfully submitted,

SALZMANN HUGHES, P.C.

/s/ Idan V. Ghazanfari
Idan V. Ghazanfari

EXHIBIT “A”

Hudak RTKL Request, Received July 9, 2026

RIGHT-TO-KNOW LAW REQUEST

Pennsylvania Right-to-Know Law, 65 P.S. § 67.101 et seq.

Date: June 24, 2026

To: Judy Mustard, Open Records Officer — Heidelberg Township, 6424 York Road, Spring Grove, PA 17362

From: Mark Hudak, 929 Porters Road, Spring Grove, PA 17362

Re: Records concerning 5930 and 5932 Colonial Valley Road, Spring Grove, PA 17362 (Heidelberg Township) — Parcel No. 30-000-FF-0153.00-00000 — the businesses operating thereon, Kim’s Krypt Haunted Mill and The Korral; any predecessor adult-related or social-club use, including any use known as “Hedo Farm Resort” or “The Farm Travel Club” (thefarmtravelclub.com); and the related prior location at 6055 West Side Avenue (Parcel No. 30-000-FF-0144.B0-00000).

This is a formal request under the Pennsylvania Right-to-Know Law (“RTKL”), 65 P.S. § 67.101 et seq. It seeks records in the possession, custody, or control of Heidelberg Township concerning the single parcel identified above (Parcel No. 30-000-FF-0153.00-00000), which carries the street addresses 5930 and 5932 Colonial Valley Road and on which two businesses operate: Kim’s Krypt Haunted Mill (a seasonal haunted attraction) and The Korral (a private members club). This request also reaches any predecessor or related adult-related or social-club use that operated under another name — including any use known as “Hedo Farm Resort” or “The Farm Travel Club” — and the related prior location at 6055 West Side Avenue (Parcel No. 30-000-FF-0144.B0-00000), so that records filed under a former business name or the prior address are captured. Unless a specific item states otherwise, the time period for this request is January 1, 2011 to the present.

Instructions — please respond to each numbered item separately

So that no responsive record is overlooked, the Township is requested to respond to each numbered item below on an item-by-item basis. For each numbered item, please do one of the following, and identify the item number to which each part of the response corresponds:

- (a) produce the responsive record(s); or
- (b) if access is granted in part and denied in part, produce the record with redactions and cite, for each redaction, the specific RTKL exemption or other legal basis under 65 P.S. § 67.708 or other law; or
- (c) if the item is denied in full, cite the specific statutory basis for the denial; or
- (d) if no responsive record exists, state so expressly and in writing as to that specific item.

Attestation requested: For any item answered under (d), the requester respectfully requests that the “no responsive record” response be supported by a written verification or attestation, made subject to the penalties of 18 Pa.C.S. § 4904 (unsworn falsification to authorities), by the official with knowledge that a good-faith search was conducted and that no responsive record exists in the Township’s possession, custody, or control.

Definitions

“Communications” means any record of correspondence or message of any kind concerning the parcel, including but not limited to: letters and memoranda; email and email attachments; text, SMS, and MMS messages; messages sent or received through messaging or chat applications; direct messages on social-

media platforms; and voicemail messages and call logs. Communications are requested whether created, sent, or received on Township-owned accounts, systems, or devices, or on the personal accounts or personal devices of any official, employee, or agent, to the extent the communication documents a transaction or activity of the Township. Under Pennsylvania law, a record that documents agency business is a public record regardless of where it is stored, including on a personal account or personal device.

“The parcel” means Parcel No. 30-000-FF-0153.00-00000, and includes the street addresses 5930 and 5932 Colonial Valley Road, the address “8930 Colonial Valley Road” (as printed and then corrected by hand on Building Permit No. 1489-15), any “Menges Mill Road” address used for the parcel, any other address ever associated with the parcel, and the businesses Kim’s Krypt Haunted Mill and The Korral.

“Predecessor Use and Prior Location” means any predecessor or related adult-related or social-club use of the operation now operating at the parcel as “The Korral” — including any use known or operated as “Hedo Farm Resort” or “The Farm Travel Club” (thefarmtravelclub.com) — together with its reported prior location at 6055 West Side Avenue (Parcel No. 30-000-FF-0144.B0-00000). This term is defined so that records filed under a former business name or at the prior address are searched and produced; it does not treat the prior parcel as part of, or the same as, the subject parcel, which remains Parcel No. 30-000-FF-0153.00-00000.

“Owner/Operator Parties” means Menges Mill Management LLC (the owner of record per York County assessment records) and Kimberly L. Yates, the businesses operating at the parcel (Kim’s Krypt Haunted Mill and The Korral), and any of their owners, members, managers, employees, agents, authorized representatives, attorneys, engineers, surveyors, architects, plan preparers, and contractors — including any general contractor, builder, installer, or electrician — acting for the owner or either business in connection with the parcel. This includes, without limitation, Architecture Workshop, Inc. and Gordon L. Brown / G.L. Brown and Associates. The businesses operating at the parcel include any predecessor or related adult-related or social-club use, including any use known or operated as “The Korral,” “Hedo Farm Resort,” or “The Farm Travel Club” (thefarmtravelclub.com). This term also includes the variant owner names and spellings “Menges Mill Management,” “Menges Mills Management LLC,” “Manges Mill Property Management,” “Menges Mill Mgmt,” “Kimberly L. Yates,” and “Kim Yates.”

Threshold items — address, parcel identity, and search scope

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2. All records concerning the street address shown on Building Permit No. 1489-15, which was printed as “8930 Colonial Valley Road” and corrected by hand to “5932 Colonial Valley Road,” and any record explaining that correction.

3. All records mapping the addresses 5930 Colonial Valley Road, 5932 Colonial Valley Road, “8930 Colonial Valley Road,” and any “Menges Mill Road” address to Parcel No. 30-000-FF-0153.00-00000, and any record indicating whether those addresses denote separate structures, units, suites, or tenant spaces on the single parcel.
4. Any record indicating whether the parcel has ever been subdivided, or whether 5930 and 5932 Colonial Valley Road are separate lots of record; and the current deed and tax-parcel record for the parcel in the Township’s possession.
5. All subdivision and lot-line records concerning the parcel in the Township’s possession, including any plan that created the parcel or that separated it from, or combined it with, any adjoining parcel — including Parcel No. 30-000-FF-0144.B0-00000 (6055 West Side Avenue) and the parcel historically referenced as “151” in the chain of title (the “(COMB W/151)” notation).
6. All recorded deeds and conveyances for the parcel in the Township’s possession, including the August 5, 2014 conveyance to Menges Mill Management LLC (York County Deed Book 2287, Page 4630) and the October 6, 2017 conveyance to the Commonwealth of Pennsylvania (Deed Book 2442, Page 1347), together with any record describing the interest transferred by the 2017 conveyance.
7. All records concerning the location at which Kim’s Krypt Haunted Mill and/or The Korral (or any predecessor adult-related or social-club use, including any use operated as “Hedo Farm Resort” or “The Farm Travel Club”) operated before operating at the parcel, including at 6055 West Side Avenue (Parcel No. 30-000-FF-0144.B0-00000), and any record concerning the relocation or transfer of any such use to the parcel.
8. Records sufficient to show the zoning district classification of the parcel (including the applicable zoning map sheet) and any change to that classification.

I. Zoning permits, determinations, and classifications

9. All zoning permits issued for the parcel, 5930 Colonial Valley Road, and/or 5932 Colonial Valley Road, and all applications therefor.
10. All written determinations, interpretations, or decisions issued by the Zoning Officer concerning the parcel, including any determination of permitted use, accessory use, change of use, or use classification.
11. Any determination, correspondence, or analysis addressing whether any use at the parcel constitutes an “Adult-Related Use” as defined in the Zoning Ordinance, and any application of the supplemental standards of Part 8, § 8.4.A (including separation and locational criteria) to the parcel.
12. Any zoning permit or determination addressing overnight accommodations, lodging, rooms, or transient occupancy at the parcel.
13. All records of any conditional-use application, hearing, or decision concerning the parcel.

II. Nonconforming use

14. Any nonconforming-use registration, certificate, application, or other record establishing the existence, commencement date, and scope of any nonconforming use at the parcel.

15. Any file, inspection record, or periodic-examination record maintained for any nonconforming use at the parcel, including records maintained under Zoning Ordinance § 11.1.A.1 (duties of the Zoning Officer to inspect nonconforming uses).
16. Any record establishing whether any nonconforming use claimed at the parcel existed at the parcel before the August 5, 2014 conveyance to Menges Mill Management LLC, and any record addressing whether a nonconforming use was relocated to the parcel from another property.

As to the two items above, the requester asks that the search not be limited to the period stated at the outset but extend to the inception of any nonconforming use at the parcel, including records predating January 1, 2011.

III. Zoning Hearing Board

17. All Zoning Hearing Board applications concerning the parcel (special exception, variance, or appeal of a determination).
18. All Zoning Hearing Board decisions, orders, findings of fact, and conclusions of law concerning the parcel.
19. All Zoning Hearing Board hearing notices, public-notice publications, agendas, sign-in sheets, minutes, transcripts, and exhibits concerning the parcel.
20. Any record evidencing a special exception granted under Zoning Ordinance § 7.30 (expansion or alteration of a nonconforming use) for the parcel; if none exists, a written statement to that effect as to this item.

IV. Building permits, plans, inspections, and occupancy

21. All building permits issued for the parcel, including but not limited to Permit Nos. 1478-15, 1489-15, 1036-16, 0149-25, B25-003, 2034-25, and B25-031, and any others, together with all applications therefor.
22. All construction documents, site plans, and drawings submitted in connection with any permit for the parcel, including the plan titled “Proposed Pool Cabanas” (Architecture Workshop, Inc.) and any plan bearing an “Approved for Construction” stamp.
23. All permit checklists, plan-review records, and intake records for the parcel.
24. All inspection records, inspection reports, and inspection results for the parcel, of any type (building, zoning, fire, electrical, or other), including any record of inspection conducted before or after issuance of any permit.
25. All certificates of use and occupancy (and applications therefor) issued, denied, or pending for the parcel, including for the haunted attraction use and for any club, social-club, or overnight-accommodation use.
26. Any record reflecting commencement of work or use prior to issuance of a permit, including any doubled-fee assessment under Zoning Ordinance § 11.2.A.1, and any stop-work order issued for the parcel.
27. All permits, applications, and records concerning the swimming pool at the parcel, including any record filed or indexed under a “Menges Mill Road” address.

28. The identity of any third-party agency or individual serving as the Township's Building Code Official, Uniform Construction Code administrator, or inspection agency for the parcel, and all permits, plan reviews, inspection records, and correspondence concerning the parcel held by the Township by virtue of that relationship.

V. Land development, SALDO, and outside-agency review

29. All land development and/or subdivision plan submissions for the parcel, in any version or revision.
30. All engineering and plan-review correspondence and reports concerning the parcel, including all reviews by C.S. Davidson, Inc. and by GHI Engineers.
31. Any waiver request under the Subdivision and Land Development Ordinance for the parcel and any action taken on such request.
32. Any Board of Supervisors action (approval, conditional approval, denial, or conditions imposed) on any land development or subdivision plan for the parcel, and any plan recorded or submitted for recording.
33. All correspondence and transmittals between the Township and the York County Planning Commission concerning the parcel, including all records associated with YCPC File #30-25-01-27-0016.
34. All pre-application, sketch-plan, or informal-review records concerning the parcel, and all records of any Heidelberg Township Planning Commission referral, review, recommendation, or action on any plan for the parcel.
35. All stormwater management plan submissions, reviews, and approvals for the parcel.
36. All records of the sewage planning module, Sewage Enforcement Officer review, and/or Pennsylvania Department of Environmental Protection review for the parcel that are in the Township's possession.
37. All records of erosion-and-sediment-control review or York County Conservation District approval for the parcel that are in the Township's possession.

VI. Enforcement and complaints

38. All notices of violation, enforcement notices, and citations issued concerning the parcel.
39. All complaints received by the Township concerning the parcel or either business (including zoning, building, occupancy, noise, nuisance, or other complaints), and all Township responses thereto.
40. The Township's zoning enforcement log or record to the extent it references the parcel or either business.
41. All correspondence concerning compliance or enforcement at the parcel.

VII. Use-specific records — The Korral and any predecessor adult-related or social-club use

42. All records concerning the adult-related or social-club use at the parcel operating as "The Korral," and any record concerning a predecessor or related use of the same operation known as "Hedo

Farm Resort” or “The Farm Travel Club” (thefarmtravelclub.com), including any permit, occupancy, licensing, registration, or use record, and any record connecting such predecessor name or use to the parcel or to the Owner/Operator Parties.

43. All records concerning overnight accommodations, private-stay rooms, or transient lodging at the parcel.
44. All fire-safety, health, building-safety, or licensing records concerning the club or overnight-accommodation use at the parcel.

VIII. Use-specific records — Kim’s Krypt Haunted Mill

45. All records concerning the business or use operating as “Kim’s Krypt Haunted Mill” at the parcel, including any permit, occupancy, or seasonal-use record.
46. All assembly-occupancy, fire-safety, and fire-marshal inspection records concerning the haunted-attraction use at the parcel.

IX. Communications (email, text, and other electronic messages)

This section requests Communications as defined above. So that the search is complete and answerable, the requester asks the Township to treat each custodian listed in the table below as a separate item, and to search and produce all Communications concerning the parcel for each custodian for the period January 1, 2011 to the present.

47. All Communications between any Township official, employee, or agent and any of the Owner/Operator Parties (as defined above) concerning the parcel.
48. All internal Communications among Township officials, employees, or agents concerning the parcel.
49. All Communications reflecting any prior Township Manager’s review, handling, conditioning, withholding, or denial of any permit, approval, or plan for the parcel.
50. For each custodian identified in the table below, all Communications concerning the parcel. Each custodian is a separate item for response.

#	Custodian	Role / title
1	Chris Walker	Zoning Officer / Building Code Official
2	Judy Mustard	Township Manager / Open Records Officer
3	Timothy R. Hansen	Chairman, Board of Supervisors
4	All other members of the Board of Supervisors	Supervisors (each, individually)
5	Katie Holmes	Township Secretary
6	Township Solicitor	Solicitor to the Township / Board of Supervisors
7	Andy Brough	Chairman, Zoning Hearing Board
8	Jay Kalasnik	Solicitor, Zoning Hearing Board
9	C.S. Davidson, Inc.	Township Engineer (and GHI Engineers, as applicable)
10	Prior Township Manager(s)	Predecessor(s) to the current Township Manager

Suggested search terms (non-exhaustive). To assist a complete search, the requester suggests the following terms, used individually and in combination, without limiting the request: “30-000-FF-0153”; “Colonial Valley”; “5930”; “5932”; “8930”; “Menges Mill Road”; “Menges Mill” / “Menges Mills” / “Manges Mill”; “Yates” / “Kim Yates” / “Kimberly Yates”; “Menges Mill Management LLC”; “Paulus”; “6055 West Side” / “West Side Avenue”; “0144”; “Hedo Farm Resort” / “HedoFarmResort”; “Farm Travel Club” / “thefarmtravelclub”; “subdivision” / “lot line”; “Korral”; “Kim’s Krypt” / “Haunted Mill”; “cabana”; “pool”; “patio”; “Architecture Workshop”; “G.L. Brown” / “Gordon Brown”; “C.S. Davidson”; “GHI”; “contractor”; “electrician”; “0149-25”; “B25-003”; “special exception”; “nonconforming”; and “adult.”

Format of Communications. Please produce Communications in native electronic format, retaining all metadata, including the sender, all recipients (including cc and bcc), date and time stamps, subject lines, and any attachments. Please do not produce email or messages solely as flattened images, screenshots, or printouts that omit sender, recipient, or date/time routing information.

X. Financial and meeting records

51. All invoices, fee assessments, escrow records, and payment records concerning the parcel, including application fees, engineering-review fees, and any doubled fees.
52. All minutes and agendas of the Board of Supervisors, the Planning Commission, and the Zoning Hearing Board that reference the parcel or either business, for the period January 1, 2011 to the present.

Format, fees, and response

Please provide responsive records in electronic format (searchable PDF) where they exist electronically, and provide Communications in native electronic format with metadata as specified in Section IX. If any portion of this request will incur fees exceeding \$50.00 in the aggregate, please notify the requester of the estimated cost before processing. Please direct the response, and any questions or requests for clarification, to the requester at the contact information below.

The Township is reminded that, under 65 P.S. § 67.901, a response is due within five (5) business days of receipt of this request, and that a deemed denial results from a failure to respond within the time permitted. The requester reserves the right to appeal any denial, deemed denial, or partial denial to the Pennsylvania Office of Open Records under 65 P.S. § 67.1101.

Mark Hudak

EXHIBIT “B”

August 18, 2026, Township Response



HEIDELBERG
Township Municipal
EST. 1750 YORK COUNTY PENNSYLVANIA

August 18, 2026

6424 York Road Spring Grove, Pennsylvania 17362

VIA EMAIL
Mark Hudak
929 Porters Rd.
Spring Grove, PA 17362
Email: mphudak@icloud.com

RE: Heidelberg Township Right-to-Know Request – Response

Dear Mr. Hudak:

Thank you for writing to Heidelberg Township (“Township”) with your request for records pursuant to Pennsylvania’s Right-to-Know Law (“RTKL”), 65 P.S. § 67.101, et seq. On July 9, 2026, the Township received your request, which is attached to this letter. The Township then invoked an extension to provide a response. Unfortunately, the voluminous nature of your request precluded a complete response within the time allowed. When the Township sought an additional mutual written extension of time, you refused. Accordingly, as a measure of its good faith, the Township is providing its responses on a rolling basis, starting with this letter.

Following a good faith search, your request for records is granted in part. The Township is producing the records that have been identified and collected to date during its review of Township files. The production largely includes:

- Building permit records;
- Code review and plan review approvals;
- Inspection requirements and inspection records;
- Certificate of occupancy records;
- Construction plans and drawings;
- Engineering evaluations and correspondence;
- Property maps;
- Permit fee receipts, invoices, and payment records; and
- Related zoning and construction records.

These records are being produced in response to those portions of your request for which responsive records have presently been identified. Please note the Township’s review and collection of potentially responsive records remains ongoing. The Township has undertaken, and continues to undertake, a good-faith search for responsive records in its possession, custody, or

control. As part of that effort, the Township has searched available electronic and physical Township files and has contacted current and former officials, employees, and other persons who may possess potentially responsive Township records.

In addition, Township personnel continue to review and search older physical files and archived records that may contain responsive information. Accordingly, while the enclosed documents represent the records identified and collected to date, the Township's search efforts remain ongoing. Should additional responsive records be located through those continued efforts, the Township will supplement this production as appropriate.

To the extent any responsive records are determined not to exist, are not in the possession of the Township, or are otherwise exempt from disclosure, the Township reserves all defenses available to it under the RTKL on appeal.

Should you have any questions concerning this production, please contact my office.

EXHIBIT “C”

September 2, 2026, Township Supplemental Response



HEIDELBERG

Township Municipal

EST. 1750 YORK COUNTY PENNSYLVANIA

September 2, 2026

6424 York Road Spring Grove, Pennsylvania 17362

VIA EMAIL

Mark Hudak
929 Porters Road
Spring Grove, PA 17362
Email: mphudak@icloud.com

RE: Heidelberg Township Right-to-Know Request 2026-47 – Supplemental Response

Dear Mr. Hudak:

The Township writes to supplement its response to your request for records through Right-to-Know Law (“RTKL”) Request 2026-47. At the time of Heidelberg Township’s (“Township”) original response, the Township was still searching for and reviewing records responsive to your request.

Following your denial of an additional extension of time under Section 902(b)(2), the Township provided records located to that point and continued its good faith search for records responsive to your voluminous. On August 26, 2026, it located the following responsive records:

- Zoning Hearing Board applications decisions, and notices
- Communications from:
 - Chris Walker
 - Anthony Lain

Moreover, some of the records you requested are available online on the following websites:

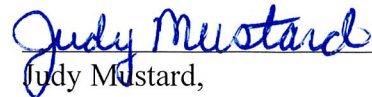
- Records mapping or concerning the street address of the parcel www.arcgis.com
- ZHB minutes www.heidelbergtwpmunicipal.com
- Board of Supervisors, ZHB, and Planning Commission minutes and agendas www.heidelbergtwpmunicipal.com
- Recorded Deeds <https://yorkcountypa.gov/539/Recorder-of-Deeds>

Please note Section 67.704(b)(1) of the RTKL permits an agency to notify requesters that records are available electronically. Moreover, the Office of Open Records has routinely held that “providing all of an agency’s meeting minutes is a permissible response to a request which seeks

specific portions of those meeting minutes.” *In the Matter of Betsy Radcliffe v. Avonworth School Dist.*, Dkt. AP 2022-1477 (O.O.R. Aug. 29, 2022) (citing *In the Matter of Allan Nowicki v. Tinicum Twp.*, Dkt. AP 2018-0255 (O.O.R. Mar. 20, 2018)). Should you have any other questions, feel free to contact my office.

Sincerely,
Heidelberg Township

By:



Judy Mustard,
Township Open Records Officer

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN THAT A HEARING WILL BE HELD BY THE HEIDELBERG TOWNSHIP ZONING HEARING BOARD ON THE 23rd DAY OF FEBRUARY, 1999, AT 7:00 P.M., AT THE PORTER'S COMMUNITY FIRE HALL, R.D. #5, SPRING GROVE, PA., ON THE APPLICATION NO. 99-01 OF HERBERT H. STERNER OF P.O. BOX 7791, YORK, PA 17404, FOR A SPECIAL EXCEPTION UNDER SECTION 608 OF THE HEIDELBERG TOWNSHIP ZONING ORDINANCE TO PERMIT THE OPERATION OF A SOCIAL CLUB TO BE KNOWN AS 'FARM TRAVEL CLUB', ON 41.665 ACRES AT MENGES MILL ROAD, COLONIAL VALLEY ROAD AND CODORUS CREEK (TAX MAP FF, PARCEL 144B) IN AN AGRICULTURAL ZONING DISTRICT, WHEN AND WHERE ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD. THE HEARING WILL BE PRECEDED BY A BRIEF ORGANIZATIONAL MEETING.

HEIDELBERG TOWNSHIP
ZONING HEARING BOARD

DATE: FEBRUARY 3, 1999

BY: WILLIAM G. BAUGHMAN, ESQ.
TOWNSHIP SOLICITOR

HEIDELBERG TOWNSHIP ZONING HEARING BOARD
York County, Pennsylvania

NOTICE OF DECISION

NAME OF APPLICANT: HERBERT H. STERNER

ADDRESS: P.O. BOX 7791, YORK, PA 17404

APPLICATION NO. 99-01

REASON FOR APPLICATION: Special Exception - Club room and grounds

LOCATION OF PROPERTY: Southeast corner of Menges Mill Rd. & Colonial Rd.

ZONING DISTRICT: Agricultural

Notice is hereby given that the Heidelberg Township Zoning Hearing Board conducted hearings on February 23, 1999, and March 24, 1999, on the above application, and after giving due consideration to all of the facts, the Zoning Hearing Board has made the following decision:

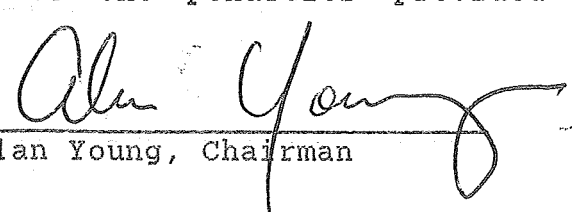
Special Exception DENIED for the following reasons:

1. Applicant has failed to demonstrate that the activity to be engaged in is a club rather than a commercial use.
2. Activity to be engaged in is a nuisance as defined by statute and is prohibited by Section 605(c) of the Zoning Ordinance.
3. Applicant has failed to provide adequate information for the Board to determine whether the application meets the general standards for a special exception set forth in Section 503.6 of the Zoning Ordinance.

Any construction or use carried out in violation of the decision, or in violation of any of the conditions or safeguards which may be attached thereto, shall be considered a violation of the Heidelberg Township Zoning Ordinance, subject to the penalties provided therein.

April 27, 1999

Date of Notice


Alan Young, Chairman

HAND DELIVERED

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

HERBERT H. STERNER, JR.

NO. 99-SU-02373-08

v

CIVIL ACTION - LAW

HEIDELBERG TOWNSHIP
ZONING HEARING BOARD

LAND USE APPEAL

PRAECIPE

TO THE PROTHONOTARY:

Attached for filing please find the following documents, constituting the record before the Heidelberg Township Zoning Hearing Board in this matter:

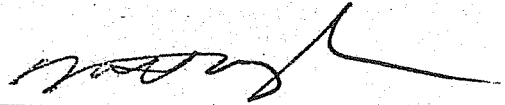
- 1 Transcript of proceedings held on February 23, 1999
- 2 Transcript of proceedings held on March 24, 1999
- 3 Transcript of proceedings held on April 27, 1999
- 4 Exhibits admitted for the Applicant
 - 1 Notice of decision in Heidelberg Twp. ZHB No. 90-05
 - 2 Sketch plan of a portion of the Applicant's property
 - 3 Subdivision plan of Applicant's property dated April, 1989
- 5 Exhibits admitted for the Township (in opposition)
 - 1 Drawing amended by the Applicant
 - 2 Photograph
 - 3 Farm Travel Club letter (undated)
 - 4 Farm Report newsletter dated 4th Qtr 1997
 - 5 "The Farm's Privacy Agreement/Disclaimer"
 - 6 Printout of alleged internet posting
 - 7 Copy of Heidelberg Township Zoning Ordinance
 - 8 Letter dated 12-29-97 from Heidelberg Twp. to Applicant
 - 9 Letter dated 12-29-97 from Heidelberg Twp. to Applicant
 - 10-A. Sketch drawing of floor plan of a portion of Applicant's residence

99 JUN -2 PM 12:54
COURT HOUSE
YORK, PA

- 11 "Pennsylvania Connection" No. 163
- 12 "Pennsylvania Connection" No. 175
- 13 Letter from Heidelberg Twp. to Atty. Mooney (undated)
- 14 List of building permits reviewed
- 15 Printout of alleged internet posting

NOTE: Township Exhibit 10 is an oversized drawing, substantially reproduced as Township 10-A. Exhibit 10 is in the possession of Attorney Solymos.

Respectfully submitted,



William G. Baughman, Esq.
Solicitor
Heidelberg Twp. Zoning Hearing Bd.
Atty. ID No. 32701
55 S. Queen St.
York, PA 17403
(717) 848-1234

HEIDELBERG TOWNSHIP

York County
R. D. #3, Box 3447A
Spring Grove, PA 17362
(717) 225-6606

RE: Herb Sterner Zoning Hearing (2-23-99) (Received application in office on 1-18-99)

Notice of Zoning Hearing given to: Harry Rodgers (2-3-99)
Guy Brown
Paul Hilbert
LaVerne Becker
Andy Richardson
Dale Myers

Sent Notice of Zoning Hearing & Requirements for Zoning Hearings to: (2-3-99)
Glenn Vaughn (+ copy of receipt)
John Mooney
Herb Sterner

Sent Notice of Zoning Hearing & Complete application to: (2-3-99)
Alan Young
Anje Lybarger

Gave Notice of Zoning Hearing & Complete application to Harry Rodgers to give to Marie Hawk. (2-3-99)

Notice of Zoning Hearing sent to the following neighbors on Feb. 9, 1999.

Judy Ensminger, Jeffrey Seibert, Florence Fleming, Betty Wright, Benjamin & Alta Noll,
Raymond & Carrie Werner, James & Beatrice Lookenbill, Leonard & Doreen Baney, Ellen Erb,
Edward & Sharon Adams, Katherine Glatfelter, Herb & Tim Sterner, William & Donna Dubs,
Dolly Hamm, Thomas & Melissa Salter, Wayne & Phyllis Hoff, Dean & Donna Marciaonette,
Adin & Karen Herndon, Andrew & Victoria Stauffer, Sterling & Dot Myers, William Martin,
Garbers Church, Ruth Groft, Mearl & Jeanneve Riley, Jeffrey Lauchman, Daniel & Joy Kramer,
Tim & Grace Roth, Janet Messinger, Sam & Peggy Bange, Kathy Watson, Elizabeth Senft, Andrew
Snyder, Martin & Ernestine Kraft, Anna Becker, Stewart & Kathryn Flickinger, Anthony Wolf,
Robert & Linda Messersmith, Dale Farence, James & Linda Freed, Christopher & Pamela Menges,
Jim & Deb Ingram, Bob Doss, Sr., Cecelia Stambaugh, Bob Doss, Jr., Bob & Sue Sullivan,
Kenneth & Kim Baker, Paul & Joyce Diehl, John & Rosetta Grim,

Sent Notice of Zoning Hearing & Complete application to: Pete Solymos (2-5-99)
Kathleen Holmes

Faxed to Bill Baughman - Jan. 19, 1999 He faxed me a copy of the Notice of Zoning Hearing on 2-3-99.

HEIDELBERG TOWNSHIP ZONING HEARING BOARD
York County, Pennsylvania

NOTICE OF DECISION

NAME OF APPLICANT: HERBERT H. STERNER

ADDRESS: P.O. BOX 7791, YORK, PA 17404

APPLICATION NO. 99-01

REASON FOR APPLICATION: Special Exception - Club room and grounds

LOCATION OF PROPERTY: Southeast corner of Menges Mill Rd. & Colonial Rd.

ZONING DISTRICT: Agricultural

Notice is hereby given that the Heidelberg Township Zoning Hearing Board conducted hearings on February 23, 1999, and March 24, 1999, on the above application, and after giving due consideration to all of the facts, the Zoning Hearing Board has made the following decision:

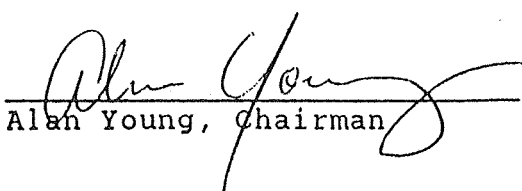
Special Exception DENIED for the following reasons:

1. Applicant has failed to demonstrate that the activity to be engaged in is a club rather than a commercial use.
2. Activity to be engaged in is a nuisance as defined by statute and is prohibited by Section 605(c) of the Zoning Ordinance.
3. Applicant has failed to provide adequate information for the Board to determine whether the application meets the general standards for a special exception set forth in Section 503.6 of the Zoning Ordinance.

Any construction or use carried out in violation of the decision, or in violation of any of the conditions or safeguards which may be attached thereto, shall be considered a violation of the Heidelberg Township Zoning Ordinance, subject to the penalties provided therein.

April 27, 1999

Date of Notice


Alan Young, Chairman

HAND DELIVERED

EXHIBIT "A"

HEIDELBERG TOWNSHIP ZONING HEARING BOARD

APPLICATION NO. 99-01 OF HERBERT H. STERNER
FOR SPECIAL EXCEPTION

This matter is presently before the Zoning Hearing Board of Heidelberg Township, York County, Pennsylvania, and was heard on February 23 and March 24, 1999, at 7:00 P.M. on both evenings.

FINDINGS OF FACT

1. The Applicant is Herbert H. Sterner of P.O. Box 7791, York, PA 17404.
2. The Applicant is the owner of a tract of land consisting of approximately 41 acres with various improvements, located on the southeast side of the intersection of Menges Mill Road and Colonial Valley Road in an Agricultural zoning district.
3. The Hearing in this matter was properly advertised and notice given to interested parties and posted on the property in accordance with the provisions of the Zoning Ordinance.
4. Those present at the Hearing were:

Alan Young, Chairman
Marie Hawk, Member
Anje Lybarger, Member
William G. Baughman, Esq., Solicitor
Judy Greenholt, stenographer
Andy Richardson, Heidelberg Township Permit Officer
Herbert H. Sterner, Applicant (February 23, only)
John H. Mooney, Esq., for the Applicant
Glenn C. Vaughn, Esq., for the Applicant
Peter D. Solymos, Esq., for Heidelberg Township
Steven McKonly, Esq., for Heidelberg Township
Tammy Smith
Paul Van Noord
Timothy Roth
Christopher Norris

Sue Moul
Mearl Riley
Missy Rohrbaugh

Numerous other individuals also attended, who are identified on the formal appearance sheets that will be made a part of the record in this matter.

5. The Applicant's residence is located on the subject property, along with a barn and various outbuildings. In 1991 or thereabouts, the Applicant constructed a large addition to his residence to be used in conjunction with what has been described as "The Farm Travel Club". The Applicant now seeks a Special Exception to operate The Farm Travel Club in this addition.
6. The uses "club room, club grounds, or meeting hall" are permitted in the Agricultural Zoning District by Special Exception.
7. The Farm Travel Club has been in operation for at least seven years, but the Applicant did not seek a Special Exception for its operation in the Agricultural Zoning District until after having been challenged by the Township Permit Officer in 1997.
8. The precise size and nature of the addition is unknown because the applicant did not provide a scale drawing of the addition as required by the Application for Zoning Hearing. He did provide testimony describing part of the addition. It is clear that the addition includes an outdoor pool and patio, a volleyball court, and an indoor dining room and ballroom. The addition contains a second floor, as to which no details were provided other than to state that it included five bedrooms. There was insufficient evidence for the Board to compare the size of the addition to the size of the original residence.
9. The Applicant did not obtain a building permit for the addition, and there are no building plans on file with the Township. The Applicant did not obtain a "use certificate" or

“occupancy permit” for the addition when it was constructed.

10. The subject property is served by an on-lot septic system. There was no testimony presented as to the size and design of the system. The Applicant testified that he did have the system inspected at some time prior to the hearing and that no malfunctions were evident at that time.
11. The Applicant testified that The Farm Travel Club consists of between 300 and 3000 members who come to the subject property on weekends for social gatherings that include meals and music. The precise activities were not described by the Applicant, but he did state that “adult entertainment” was provided. The Applicant stated that the organization had by-laws, but he was unable to produce them. He was unable to state whether the club membership had annual meetings, and failed or refused to identify any of the officers or directors of the club. He testified that the attendance at one function was forty or sixty people, but he was evasive when asked about attendance at other events.
12. From 1991 to 1998, The Farm Travel Club also provided on-site retail sales of lingerie, on site camper hook-ups, and overnight accommodations for guests. The Applicant testified that these activities stopped in January of 1999, within a month after he applied for this Special Exception. The Board specifically finds that the Applicant’s testimony is not credible in this regard.
13. The Farm Travel Club charges members an annual fee of \$25 per single male, \$10 per single female, and \$20 per couple. The Applicant described these payments as “membership dues”. The club newsletter (Township Exhibit 4) describes these payments as a membership fee “for those of you that did request a newsletter”. A separate letter (Township Exhibit 3) identifies these payments as a membership fee that is charged “To maintain our private club

status". The newsletter does not state that the activities promoted therein are limited to club members.

14. The Farm Travel Club advertises in a monthly publication called "Pennsylvania Connection", copies of which were introduced as Township Exhibits 11 and 12. This publication is sold to the public. The advertisements in this publication do not indicate that the services advertised are limited to members.
15. The Farm Travel Club is not organized as a corporation, partnership, or association, but is a "sole proprietorship" owned by the Applicant. Operational and management decisions are made by the Applicant or by persons appointed by the Applicant. The only qualification for "membership" identified by the Applicant was his personal approval.
16. The services advertised in the newsletter and in the "Pennsylvania Connection" carry various fees and charges. The Applicant testified that these were treated as "voluntary donations". The Board specifically finds that this testimony is not credible given the context in which the fees and charges are described in the various advertisements.
17. The "Pennsylvania Connection" is a magazine dedicated to the "hedonistic" life style. It contains numerous "personal ads" from individuals and couples seeking sex partners. Many ads are accompanied by photographs that many would find objectionable if not obscene. A large number of the photographs depict male and female genitalia in various stages of sexual arousal. The articles describe the hedonistic life style as involving unfettered sexual activity, usually extra-marital, and frequently in group settings. They also use the term "swinging" as a synonym for hedonism.
18. Based on the testimony presented and the context of the various ads for The Farm Travel Club, the Board specifically finds that the major purpose of The Farm Travel Club is to

provide a setting in which groups of individuals can engage in unrestrained sexual activity, including dressing in sexually provocative costumes, engaging in sexually provocative games, and participating in extra-marital sexual intercourse, including explicit sexual activities with multiple partners, albeit of a consensual nature.

19. Most of the activities of The Farm Travel Club are conducted indoors or in the pool and volleyball areas, which are surrounded by a vision blocking fence.
20. Parking for the Applicant's guests is provided off Colonial Valley Rd. in a parking area that is shared with various other activities conducted on adjacent lands owned by the Applicant. There is no evidence that there is any formal easement or other agreement to provide for continuation of this arrangement if the Applicant should sell one of the two parcels, although it would appear that a portion of the shared parking area is located on the tract that is the subject of this Application.
21. The addition does not have a fire suppression system and has not been inspected by the Department of Labor and Industry, nor has it been approved by any state or local agency as a place of public accommodation.
22. The Applicant's property is bordered on the west by the village of Menges Mills, which is a residential area consisting of older homes on small lots. This Board finds that the proposed use of the Applicant's land as a club room for up to 3000 members would not be in harmony with the orderly and appropriate development of this district.
23. The Board is unable to make a finding as to the adequacy of public facilities for this use, since the existing facilities were not described, specifically with regard to water supply and sewage treatment. The Board notes that the property is not served by a public sewage system, so there are serious questions about the design of the on-lot system being used.

These questions were not answered by the Applicant.

24. The Board finds that the operations to date have not had an adverse effect on the use and value of adjacent land and buildings, primarily because activities not conducted outside the privacy fence that has been erected.
25. The Board finds that the operations to date have not created traffic or parking problems and sees no reason to believe that this situation would change in the future.
26. The Board finds that the proposed use constitutes a public or private nuisance based on the provisions of 68 P.S. Section 467.

DISCUSSION

Evidentiary matters. Two letters were offered in evidence at the hearings in this matter. One was from Garber's Mennonite Church opposing the application and the other was from a photographer who appears to have been involved in the "caped lady" incident. The Board has ruled both letters inadmissible because both involve serious hearsay issues and neither is germane to the Board's decision. The letter from the church group was written prior to any testimony being produced and did not, therefore, address the testimony that was heard by the Board. The Board considered the "caped lady" incident to be isolated and not indicative of the overall activities of the Applicant or his guests because most of the activities of the group appear to be conducted either indoors or within the fenced area.

The Farm Travel Club is not a "club" for purposes of the Zoning Ordinance. The Applicant seeks a Special Exception to authorize the continued operation of The Farm Travel Club as a "club" as that term is used in Section 605 of the Heidelberg Township Zoning Ordinance. The term "club" is not defined in the ordinance, and the case law is less than helpful in that regard. It is clear from prior cases, however, that the nature of the use, as opposed to its intensity, is important

in determining whether a specific use is a "club" or a "business". See Limley v. Zoning Hearing Board of Port Vue Borough, 533 Pa. 340, 625 A.2d 54 (1993). The Applicant has the burden of proving that his proposed use meets the requirements of Section 605.

In the present case, the use of the addition since 1991 has been in the nature of a commercial enterprise. Specific prices have been set for specific services, which have been advertised to the general public. Membership fees are charged, but the advertisements do not limit services to members who have paid the fee. One publication refers to the fee as a subscription for the newsletter and another candidly describes the fee as the *sine qua non* for maintaining status as a private club. In other words, the Applicant appears to admit that, but for charging this fee, his operation would be a commercial enterprise.

There is no clear line between a club and a commercial enterprise. The Limley case is instructive because it involved the efforts of the court to distinguish between a private club that provided meals and entertainment and a public restaurant that provided meals and entertainment. The court concluded in that case that there was no substantial distinction in the use.

The Applicant in this case argues that his use is not unlike the VFW or the Eagles, Elks, Odd Fellows, etc., in that those organizations are clubs that serve food and alcohol and provide entertainment for their members. This argument is not wholly without merit, but the Board has rejected it after careful consideration. In the present case, it is apparent from the intensity of the Applicant's operation and his exclusive maintenance of control over its activities that the primary purpose of this organization is commercial and that the use of the word "club" to describe it is a mere fiction in which the Applicant engages for the purpose of attempting to find a niche in the Zoning Ordinance into which he can fit.

Even if this were not the case, however, the Board must consider whether the proposed use

would "fit in" with the neighborhood. Again, the case of **Limley** is instructive. In that case, the court held that the former private club was entitled to grow into a substantial commercial enterprise under the theory of natural expansion. *See also Whitpain Township v. Whitpain Township Zoning Hearing Board and Wings Associates*, 121 Pa. Commonwealth Ct. 418, 550 A.2d 1355 (1988). This Board must consider the future effect of natural expansion if this use is approved. The Applicant has refused to tell this Board how large is membership is at present, but the number 3000 does appear in the newsletter. Under the theory of natural expansion, this alleged "club" could someday number in the tens of thousands and a substantial portion of the 41 acres would need to be devoted to the club's activities. It is obvious that such a large operation could not fit in with the rural residential neighborhood in which it is located.

The Applicant has failed to meet his burden of coming forward with evidence. Assuming for the sake of argument that the Applicant had established that his operation fit the definition of a "club", this Board would still be required to reject the application because of the Applicant's failure to provide adequate information about the physical facilities that he is providing, and his refusal to permit inspection of the premises by the Township Zoning Officer. The Board cannot determine whether the sanitary facilities are sufficient for even the forty to sixty people that the Applicant claims come to the various events, let alone the 300 or 3000 members that the club may have. Similarly, the Board cannot determine whether the Township can provide adequate fire protection for the structure. Therefore, the Board is unable to make the findings necessary for approval of this Application.

The proposed facility a nuisance as defined by statute. Finally, the Board must consider the requirements of Section 605(c) of the Zoning Ordinance. That section prohibits any use that constitutes a public or private nuisance. While the Applicant's testimony as to the activities of the

club was vague, there is ample circumstantial evidence in this record to support the Board's findings that the club activities include extra-marital sex and overt sexual behavior. The legislature of the Commonwealth of Pennsylvania has determined that any place used for purposes of fornication or lewdness is nuisance, *per se*. Act of June 23, 1931, P.L. 1178, 68 P.S. Section 467. The terms "fornication" and "lewdness" are not defined in the statute, but the dictionary definition of "fornication" includes extra-marital sex and the definition of "lewdness" includes overt sexual behavior. The conduct that takes place at The Farm Travel Club clearly satisfies these definitions of the terms "fornication" and "lewdness". Therefore, the proposed fits the statutory definition of a nuisance and may not be approved under Section 605(c).

CONCLUSIONS OF LAW

1. The Applicant is properly before this Board seeking a Special Exception.
2. The Applicant has not demonstrated that his proposed use is a "club room, club grounds, or meeting hall".
3. The Applicant's proposed use is a commercial activity rather than a private club.
4. The Applicant has failed to provide sufficient information for the Board to make necessary findings under the Zoning Ordinance, particularly with respect to the sewage treatment and fire safety.
5. The proposed use is a nuisance by operation of 68 P.S. Section 467, and may not be approved pursuant to Section 605(c) of the Zoning Ordinance.
6. The application should be DENIED.

SEIDENSTICKER, KEITER & BAUGHMAN
A PROFESSIONAL CORPORATION
ATTORNEYS & COUNSELLORS AT LAW

55 SOUTH QUEEN STREET
YORK, PENNSYLVANIA 17403

DAVID C. KEITER
WILLIAM G. BAUGHMAN

(717) 848-1234
(717) 843-5105
(717) 938-6703

OF COUNSEL
WAYDE P. SEIDENSTICKER

May 7, 1999

GLENN VAUGHN, ESQ.
22 S. BEAVER ST.
YORK, PA. 17401

RE: Heidelberg Township Zoning Hearing Board
Application No. 99-01 of Herbert Sterner

Dear Mr. Vaughn:

Enclosed please find the Findings of Fact and Conclusions of Law issued by the Heidelberg Township Zoning Hearing Board with reference to its decision in this matter.

Sincerely,
Heidelberg Township Zoning Hearing Board



William G. Baughman, Esq., Solicitor

WGB/hs

enc: 9 pages

cc: Norman Markle
Peter Solymos, Esq.

SEIDENSTICKER, KEITER & BAUGHMAN
A PROFESSIONAL CORPORATION
ATTORNEYS & COUNSELLORS AT LAW

55 SOUTH QUEEN STREET
YORK, PENNSYLVANIA 17403

DAVID C. KEITER
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(717) 848-1234
(717) 843-5105
(717) 938-6703

OF COUNSEL
WAYDE P. SEIDENSTICKER

March 2, 1999

Glenn C. Vaughn, Esq.
22 S. Beaver St.
York, PA 17401

Peter D. Solymos, Esq.
110 S. Northern Way
York, PA 17402

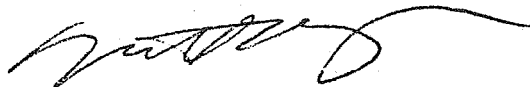
RE: Heidelberg Township ZHB
Application of Herbert Sterner
Hearing of Feb. 23, 1999

Gentlemen:

As announced at the conclusion of testimony on February 23, 1999, the hearing in this matter has been continued until Wednesday, March 24, 1999, commencing promptly at 7:00 P.M. at the Porter's Fire Hall. Mr. Solymos will begin to present testimony in opposition to the application.

You have both requested a transcript of the February 23 hearing. I suggest that you contact the reporter, Judy Greenholt, to determine the cost and arrange to split it between you. She can be reached at the office of the Court Administrator, 771-9234. I am sending her a copy of this letter so that she will expect your calls.

Sincerely,



William G. Baughman, Solicitor
Heidelberg Twp. Zoning Hearing Board

WGB/hs
cc: Norma Markle, Judy Greenholt

HERBERT H. STERNER, JR.
Appellant

vs.

HEIDELBERG TOWNSHIP ZONING
HEARING BOARD
Appellee

IN THE COURT OF COMMON PLEAS
OF YORK COUNTY, PENNSYLVANIA

NO. 99-SU- 02313-08

COURTHOUSE
YORK, PA

99 MAY 19 PM 2:51

NOTICE OF LAND USE APPEAL

Herbert H. Sterner, Jr., Appellant, appeals from the decision of Heidelberg Township Zoning Hearing Board, York County, Pennsylvania, and in support thereof states the following:

1. The Appellant, Herbert H. Sterner, Jr., is an adult individual and the owner of premises consisting of approximately 41 acres with improvements, located on the southeast side of the intersection of Menges Mill Road and Colonial Valley Road in Heidelberg Township, York County, Pennsylvania (hereinafter "the premises").
2. The Appellee is Heidelberg Township Zoning Hearing Board, York County, Pennsylvania.
3. Heidelberg Township is a township of a second class with its office address at R.D. 3, Box 3561, Spring Grove, PA 17362.
4. The premises are zoned Agricultural under the provisions of the Zoning Ordinance of Heidelberg Township.
5. Appellant filed an application with the Appellee for a special exception for the use of a portion of the premises as a club, as permitted by the zoning ordinance.
6. Hearings were held before the Appellee on February 23 and March 24, 1999.
7. On April 27, 1999, the Appellee denied the Appellant's request for a special exception. A copy of the Notice of Decision is attached hereto as Exhibit "A".
8. On May 7, 1999, Findings and Fact and Conclusions of Law in support of the denial of the Appellant's request for a special exception were issued. A true copy of the Findings of Fact and Conclusions of

Law are attached hereto as Exhibit "B".

9. The action of Appellee in denying Appellant's request for this special exception was arbitrary, capricious, and abuse of discretion and contrary to law in that:

A. The club use of the portion of the Appellant's premises is permitted by special exception in an Agricultural District, and the evidence established that the Appellant was entitled to the special exception.

B. The Appellee erred in concluding that the Appellant's proposed use is not a club, but rather a commercial use.

C. The Appellee erred in finding that the activity to be engaged in is a nuisance. There was no evidence at all to support this finding.

D. The Appellee erred in determining that the Appellant failed to provide adequate information to meet the general standards for a special exception. Adequate information was provided.

E. The Appellee made errors in its Findings of Fact, and made Findings of Fact which were completely unsupported by any evidence.

F. The Appellee made several irrelevant findings of fact, which are not germane to the issue before the Board.

G. Some of the rationale of the Appellee for denying the Appellant's request was based on issues which would be resolved through the building permit process and were not pertinent to the zoning issue.

H. The Appellee could have attached conditions or limitations to its grant of the special exception rather than denying the request for the special exception, which conditions or limitations would have allowed the permitted club use but eliminated the possibility of inappropriate commercial activities. The Appellant offered these limitations or conditions, which were arbitrarily and unreasonably refused by the Appellee, denying the Appellant substantive due process of law and equal protection of laws as guaranteed by the U.S. Constitution and the Pennsylvania Constitution.

I. The Appellee based its decision on unfounded opinion evidence of the Zoning Officer and upon conclusions drawn from sources not in evidence in the case, denying the Appellant his Constitutional

rights to substantive due process of law and equal protection of law.

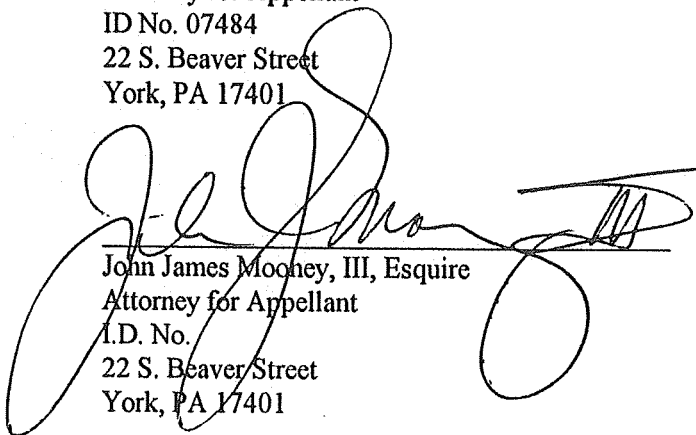
J. At the hearing, the Zoning Hearing Board members were seen with documentation which had been supplied to them by some source other than the Appellant and outside of the documents introduced as evidence at the hearing, in violation of Section 10908 of 53 Purdon's Statutes, the Municipalities Planning Code, in that the Appellant had no notice or opportunity to participate in the communications made the members of the Zoning Board.

K. The Board found that the Appellant's activities over the past several years had not had an adverse impact on the use and value of adjacent land and buildings and that the traffic and parking had not been problems, and therefore, there was no legitimate basis for refusing to grant a use permitted by the ordinance.

WHEREFORE, Appellant requests that the Court reverse the action of the Heidelberg Township Zoning Hearing Board and direct that the Appellant be granted a special exception for the club use of the portion of his property as requested in his application.



Glenn C. Vaughn, Esquire
Attorney for Appellant
ID No. 07484
22 S. Beaver Street
York, PA 17401



John James Mooney, III, Esquire
Attorney for Appellant
I.D. No.
22 S. Beaver Street
York, PA 17401

OFFICE OF THE PROTHONOTARY
OF YORK COUNTY

STACIA N. GATES
PROTHONOTARY



TELEPHONE
(717) 771-9611

YORK COUNTY COURT HOUSE
28 EAST MARKET STREET
YORK, PENNSYLVANIA 17401

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

HERBERT H STERNER JR

NO. 99-SU-02373-08

VS

HEIDELBERG TWP ZONING HEARING BOARD

APPEAL

WRIT OF CERTIORARI

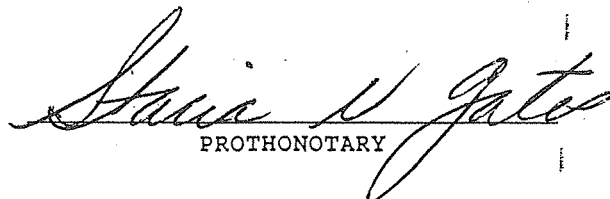
TO THE HEIDELBERG TWP ZONING HEARING BOARD

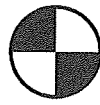
GREETINGS:

WE, BEING WILLING FOR CERTAIN CAUSES TO BE CERTIFIED OF THE
MATTER OF THE APPEAL OF HERBERT H STERNER JR
FROM THE ACTION OF THE HEIDELBERG TWP ZONING HEAR BD, IN REQUESTING
THE COURT TO REVERSE THE ACTION OF THE HEIDLEBERG TWP ZONING HEARING
BOARD AND DIRECT THAT THE APPELLANT BE GRANTED A SPECIAL EXCEPTION FOR
THE CLUB USE OF THE PORTION OF HIS PROPERTY AS REQUESTED IN HIS APPLICATION

DO COMMAND YOU, THAT THE RECORD AND PROCEEDINGS AFORESAID, WITH THE
APPLICATION AND THE HEARING HELD, THERON, THE DECISION OF THE
HEIDELBERG TWP ZONING HEARING BD, WITH ALL THINGS TOUCHING THE
SAME, BEFORE THE JUDGES OF THE COURT OF COMMON PLEAS OF YORK COUNTY,
PENNSYLVANIA, TWENTY DAYS (20) FROM THE ISSUANCE OF SAID WRIT OF
CERTIORARI, SO FULL AND ENTIRE AS IN YOUR HANDS BEFORE YOU THEY
REMAIN, YOU CERTIFY AND SEND, TOGETHER WITH THIS WRIT, THAT WE MAY
FURTHER CAUSE TO BE DONE THEREUPON THAT WHICH OF RIGHT AND
ACCORDINGS TO THE LAW OF THE SAID STATE OUGHT.

WITNESS, THE HONORABLE JOHN C. UHLER, PRESIDENT JUDGE OF OUR SAID
COURT THIS 19th DAY OF MAY 1999


PROTHONOTARY



C.S. DAVIDSON, INC.
ENGINEERING A BETTER COMMUNITY

January 31, 2025

Chris Walker
6424 York Road
Spring Grove, PA 17362

Re: Menges Mills Management, LLC – 5930 Colonial Valley Road
Final Land Development Plan Review
Engineer's Project No. 3890.3.01.05

Dear Chris:

We have reviewed the above-referenced Final Land Development Plan, prepared by Gordon L. Brown and Associates, Inc., dated January 24, 2025, received via email on January 24, 2025 and offer the following comments:

General Comments:

1. We reviewed the land development ordinance against the submitted land development plan and determined the plans do not meet the criteria for a full land development review.
2. The existing light on the utility pole should be removed from the middle of the ticket booth.
3. The plans show two blue circles within the Proposed Food Service Building without labels. Provide clarification on what they are.
4. The building setbacks shall be added to the plans.
5. The applicant will need stormwater approval from the Township before construction.

Zoning Ordinance Comments:

1. Screening shall be provided where the property abuts existing single-family detached or two-family detached dwellings. (§6.3.7.h)
2. The use of non-traditional storage units (containers) shall be permitted on a temporary basis only. (§7.2.5)
3. Provide the following note from section 7.30.E.1 on the plans for the nonconformity Attraction building and multi-use stone building along Colonial Valley Road: (If any nonconformity is destroyed because of windstorm, fire, explosion, or other act of God or a public enemy to an extent of more than seventy-five (75) percent of the market value as appraised for the tax assessment purposes then such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored, or repaired except upon issuance of a variance in accordance with Part 12 of this Ordinance relating to variances. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor, or roof which has been declared unsafe.)

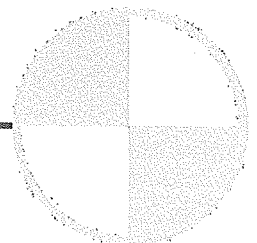
Subdivision and Land Development Ordinance Comments:

1. Colonial Valley Road is listed as a local road within the comprehensive plan. Thus the road right-of-way shall be 50 feet on the plans. (§504.A)
2. The additional right-of-way along Colonial Valley Road shall be dedicated. (§504.C)

ENGINEERING A BETTER COMMUNITY

38 N. Duke Street • York, PA 17401 • 717.846.4805
50 W. Middle Street • Gettysburg, PA 17325 • 717.337.3021
315 W. James Street, Suite 102 • Lancaster, PA 17603 • 717.481.2991

CSDavidson.com



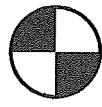
If you have questions related to the enclosed information or require any clarification, please do not hesitate to contact our office at 717-846-4805.

Sincerely,

A handwritten signature in black ink, appearing to read 'ADL', with a stylized flourish at the end.

Anthony D. Lain
ADL/CWM/dmg

K:\389030105\Correspondence\Letters-Reports\2025-01-28 Final Land Development Plan Review Letter.docx



C.S. DAVIDSON, INC.
ENGINEERING A BETTER COMMUNITY

March 27, 2025

Chris Walker
6424 York Road
Spring Grove, PA 17362

Re: Menges Mills Management, LLC – 5930 Colonial Valley Road
Final Land Development Plan Review
Engineer's Project No. 3890.3.01.05

Dear Chris:

We have reviewed the above-referenced Final Land Development Plan, prepared by Gordon L. Brown and Associates, Inc., dated January 24, 2025, revised March 13, 2025, received via email on March 19, 2025 and offer the following comments:

Zoning Ordinance Comments:

1. The use of non-traditional storage units (containers) shall be permitted by recommendation of Zoning Officer. (§7.2.5)

If you have questions related to the enclosed information or require any clarification, please do not hesitate to contact our office at 717-846-4805.

Sincerely,

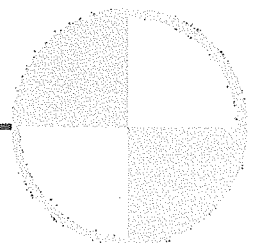
Anthony D. Lain
ADL/CWM/dmg

K:\389030105\Correspondence\Letters-Reports\2025-03-27 Final Land Development Plan Review Letter.docx

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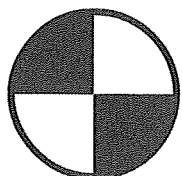
CSDavidson.com



Judy Mustard

From: Anthony Lain <ADL@csdavidson.com>
Sent: Friday, January 31, 2025 2:53 PM
To: Clay Markey
Subject: RE: Menges Mill Land Development Plan

Thanks Clay.



Anthony Lain
Project Manager

C.S. DAVIDSON, INC.

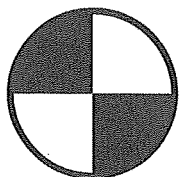
38 N. Duke St. • York, PA 17401
O: 717.814.4527 • C: 717.578.8983

From: Clay Markey <CWM@csdavidson.com>
Sent: Friday, January 31, 2025 2:51 PM
To: Anthony Lain <ADL@csdavidson.com>
Subject: RE: Menges Mill Land Development Plan

Updated

From: Anthony Lain <ADL@csdavidson.com>
Sent: Friday, January 31, 2025 2:46 PM
To: Clay Markey <CWM@csdavidson.com>
Subject: RE: Menges Mill Land Development Plan

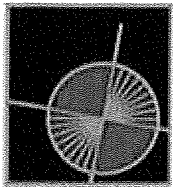
Clay can you update number two under SALDO to remove the cartway width.



Anthony Lain
Project Manager

C.S. DAVIDSON, INC.

38 N. Duke St. • York, PA 17401
O: 717.814.4527 • C: 717.578.8983



GLB&A

Gordon L. Brown & Associates, Inc.

2238 South Queen Street

York, PA 17402-4631

P: 717.741.4621 Ext: 43

F: 717.741.1418

aelrod@glba-engineering.com

www.glba-engineering.com

Consulting Civil Engineers and Surveyors

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Judy Mustard

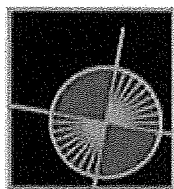
From: GLB&A - John Runge <jrunge@glba-engineering.com>
Sent: Thursday, January 2, 2025 1:49 PM
To: Anthony Lain; Chris Toms
Cc: GLB&A - Alvis "Trey" Elrod; kimskrypt@aol.com; Chris Walker
Subject: RE: Menges Mills Management - Sketch Plan Review

Anthony,

OK, let's plan on meeting at the Township office on Monday the 13th at 10:00 AM.

Thanks,

John D. Runge, Jr.
President



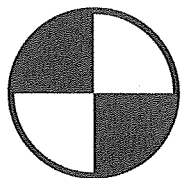
GLB&A

Gordon L. Brown & Associates, Inc.
2238 South Queen Street
York, PA 17402-4631
P: 717.741.4621 Ext: 41
C: 717.577.7826
F: 717.741.1418
jrunge@glba-engineering.com
www.glba-engineering.com

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From: Anthony Lain <ADL@csdavidson.com>
Sent: Thursday, January 2, 2025 10:33 AM
To: Chris Toms <CWT@csdavidson.com>; GLB&A - John Runge <jrunge@glba-engineering.com>
Cc: GLB&A - Alvis "Trey" Elrod <aelrod@glba-engineering.com>; kimskrypt@aol.com;
chriswalker@heidelbergtwpmunicipal.com
Subject: RE: Menges Mills Management - Sketch Plan Review

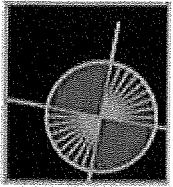
I am also available on the 13th.



Anthony Lain
Project Manager
C.S. DAVIDSON, INC.

38 N. Duke St. • York, PA 17401
O: 717.814.4527 • C: 717.578.8983

From: Chris Toms <CWT@csdavidson.com>
Sent: Thursday, January 2, 2025 9:35 AM



GLB&A

Gordon L. Brown & Associates, Inc.

2238 South Queen Street

York, PA 17402-4631

P: 717.741.4621 Ext: 41

C: 717.577.7826

F: 717.741.1418

jrunge@glba-engineering.com

www.glba-engineering.com

Consulting Civil Engineers and Surveyors
Breaking New Ground Since 1952!

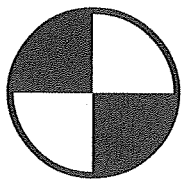
Judy Mustard

From: Anthony Lain <ADL@csdavidson.com>
Sent: Monday, January 27, 2025 12:29 PM
To: Chris Walker
Subject: RE: Menges Mills Management Land Development

Hey Chris,

I received digital copies on Friday and hard copies this morning.

Thank you,



Anthony Lain
Project Manager

C.S. DAVIDSON, INC.

38 N. Duke St. • York, PA 17401
O: 717.814.4527 • C: 717.578.8983

From: Chris Walker <chriswalker@heidelbergtwpmunicipal.com>
Sent: Monday, January 27, 2025 11:48 AM
To: Anthony Lain <ADL@csdavidson.com>
Subject: Menges Mills Management Land Development

Good morning Anthony. Have you received any communication from Menges Mills Management (through Gordon, Brown and Associates) for their Land Development? I have the digital version and hard copies if you have not.

Chris Walker

Heidelberg Township

Zoning and Codes Enforcement Officer

Building Code Official

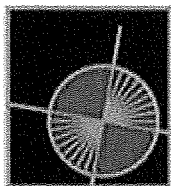
717-225-6606 ext. 5

Judy Mustard

From: GLB&A - Alvis "Trey" Elrod <aelrod@glba-engineering.com>
Sent: Monday, April 7, 2025 3:06 PM
To: Anthony Lain
Cc: GLB&A - John Runge
Subject: RE: Menges Mills Management Site Plan

Thank you Anthony.

Alvis (Trey) Elrod
Civil Engineer



GLB&A

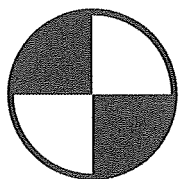
Gordon L. Brown & Associates, Inc.
2238 South Queen Street
York, PA 17402-4631
P: 717.741.4621 Ext: 43
F: 717.741.1418
aelrod@glba-engineering.com
www.glba-engineering.com

Consulting Civil Engineers and Surveyors
Breaking New Ground Since 1952!

From: Anthony Lain <ADL@csdavidson.com>
Sent: Monday, April 7, 2025 3:05 PM
To: GLB&A - Alvis "Trey" Elrod <aelrod@glba-engineering.com>
Cc: GLB&A - John Runge <jrunge@glba-engineering.com>
Subject: FW: Menges Mills Management Site Plan

Good Afternoon Trey,

Included as an attachment to this email is the 3/27 comment letter for the 3/19 resubmission of the Menges Mills Management Plan.



Anthony Lain
Project Manager

C.S. DAVIDSON, INC.

38 N. Duke St. • York, PA 17401
O: 717.814.4527 • C: 717.578.8983

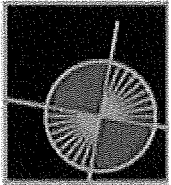
From: Anthony Lain
Sent: Monday, March 31, 2025 9:26 AM

Judy Mustard

From: GLB&A - Alvis "Trey" Elrod <aelrod@glba-engineering.com>
Sent: Monday, April 7, 2025 3:06 PM
To: Anthony Lain
Cc: GLB&A - John Runge
Subject: RE: Menges Mills Management Site Plan

Thank you Anthony.

Alvis (Trey) Elrod
Civil Engineer



GLB&A

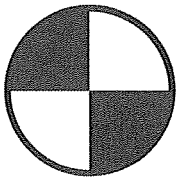
Gordon L. Brown & Associates, Inc.
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F: 717.741.1418
aelrod@glba-engineering.com
www.glba-engineering.com

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From: Anthony Lain <ADL@csdavidson.com>
Sent: Monday, April 7, 2025 3:05 PM
To: GLB&A - Alvis "Trey" Elrod <aelrod@glba-engineering.com>
Cc: GLB&A - John Runge <jrunge@glba-engineering.com>
Subject: FW: Menges Mills Management Site Plan

Good Afternoon Trey,

Included as an attachment to this email is the 3/27 comment letter for the 3/19 resubmission of the Menges Mills Management Plan.



Anthony Lain
Project Manager
C.S. DAVIDSON, INC.

38 N. Duke St. • York, PA 17401
O: 717.814.4527 • C: 717.578.8983

From: Anthony Lain
Sent: Monday, March 31, 2025 9:26 AM

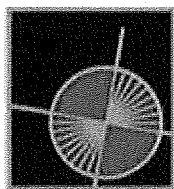
Judy Mustard

From: GLB&A - Alvis "Trey" Elrod <aelrod@glba-engineering.com>
Sent: Monday, April 7, 2025 8:11 AM
To: Anthony Lain
Cc: GLB&A - John Runge
Subject: RE: Menges Mills Site Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Anthony,
Have you had a chance to look at the Menges Mill plan yet? I'd like to give the owner an update.
Thanks!

Alvis (Trey) Elrod
Civil Engineer



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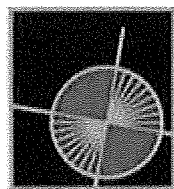
GLB&A

Consulting Civil Engineers and Surveyors
Breaking New Ground Since 1952!

From: GLB&A - Alvis "Trey" Elrod
Sent: Wednesday, March 19, 2025 2:07 PM
To: Anthony Lain <ADL@csdavidson.com>
Cc: chriswalker@heidbergtpmunicipal.com; GLB&A - John Runge <jrunge@glba-engineering.com>; kimskrypt@aol.com
Subject: Menges Mills Site Plan

Goo afternoon Anthony,
Chris Walker asked me to provide the revised Menges Mill plan to you for review. I have also attached a comment/response letter for your convenience.

Alvis (Trey) Elrod
Civil Engineer



Gordon L. Brown & Associates, Inc.
2238 South Queen Street
York, PA 17402-4631
P: 717.741.4621 Ext: 43
F: 717.741.1418
aelrod@glba-engineering.com
www.glba-engineering.com

GLB&A

Consulting Civil Engineers and Surveyors
Breaking New Ground Since 1952!

Judy Mustard

From: Anthony Lain <ADL@csdavidson.com>
Sent: Friday, January 31, 2025 9:04 AM
To: Clay Markey
Subject: Accepted: Menges Mills Review

Judy Mustard

From: GLB&A - Alvis "Trey" Elrod <aelrod@glba-engineering.com>
Sent: Monday, April 7, 2025 3:05 PM
To: Anthony Lain
Subject: Automatic reply: Menges Mills Management Site Plan

I am currently out of the office. I will return Monday 04/14/25.

Mag. Dist. No.:	19-3-06
DJ Name: Hon.	KIM S. LEPPA
Address:	P.O. BOX 428 301 N. MAIN STREET YORK NEW SALEM, PA
Telephone: (717) 793-5200	17371-0428

PLAINTIFF

NAME and ADDRESS

ANDREW RICHARDSON - ZONING OFFICER
HEIDELBERG TOWNSHIP
RD 3 BOX 3447A
SPRING GROVE PA 17362

DEFENDANT:

VS.

NAME and ADDRESS

HERBERT STERNER
COLONIAL VALLEY
P.O. BOX 34
MENGENS MILLS, PA 17346

Docket No.:
Date Filed:



	AMOUNT	DATE PAID
FILING COSTS \$		/ /
SERVING COSTS \$		/ /
TOTAL \$		/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1,000.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

THE DEFENDANT, HERBERT STERNER, OWNER OF COLONIAL VALLEY, CONSTRUCTED OR ALLOWED TO HAVE CONSTRUCTED ON PROPERTIES OWNED BY SAID DEFENDANT A FENCE EIGHT FEET TEN INCHES HIGH AND 71 FEET TEN INCHES LONG. THIS STRUCTURE WAS CONSTRUCTED WITHIN AN IDENTIFIED FLOOD PLAIN AREA WITHOUT HAVING OBTAINED BUILDING PERMITS AND APPROVALS AS SET FORTH IN ARTICLE II OF THE FLOOD PLAIN AREA ORDINANCE NUMBER 81-A. ORDINANCE NO. 96-1, AN ORDINANCE PROVIDING FOR FINES AND PENALTIES FOR VIOLATION OF TOWNSHIP ORDINANCE.

I, ANDREW RICHARDSON verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. S.C.A. § 4904) related to unsworn falsification to authorities.

Andrew Richardson
(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: G. STEVEN MCKONLY, P.C. Address: 119 BALTIMORE STREET
Telephone: 717-637-8828 HANOVER, PA 17331

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

COUNTY OF: YORK

CIVIL COMPLAINT

Mag. Dist. No.:

19-3-06

DJ Name: Hon.

KIM S. LEPPA

Address: P.O. BOX 428

301 N. MAIN STREET

YORK NEW SALEM, PA

Telephone: (717) 793-5200

17371-0428

PLAINTIFF

NAME and ADDRESS

ANDREW RICHARDSON - ZONING OFFICER

HEIDELBERG TOWNSHIP

RD 3 BOX 3447A

SPRING GROVE PA 17362

VS.

DEFENDANT:

NAME and ADDRESS

HERBERT STERNER

COLONIAL VALLEY

P.O. BOX 34

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(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney:

G. STEVEN MCKONLY, P.C.

Address:

119 BALTIMORE STREET

Telephone:

717-637-8828

HANOVER, PA 17331

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PLAINTIFF

NAME and ADDRESS

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HEIDELBERG TOWNSHIP
RD 3 BOX 3447A
SPRING GROVE PA 17362

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HERBERT STERNER
COLONIAL VALLEY
P.O. BOX 34
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Plaintiff's Attorney: G. STEVEN MCKONLY, P.C. Address: 119 BALTIMORE STREET
Telephone: 717-637-8828 HANOVER, PA 17331

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CIVIL COMPLAINT

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Telephone: (717) 793-5200	17371-0428

PLAINTIFF
NAME and ADDRESS
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HEIDELBERG TOWNSHIP
RD 3 BOX 3447A
SPRING GROVE PA 17362
VS.
DEFENDANT:
NAME and ADDRESS
HERBERT STERNER
COLONIAL VALLEY
P.O. BOX 34
MENGENS MILLS, PA 17346

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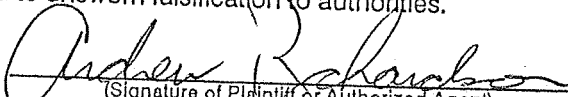


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SERVING COSTS \$		/ /
TOTAL \$		/ /

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THE DEFENDANT, HERBERT STERNER, OWNER OF COLONIAL VALLEY, CONSTRUCTED OR ALLOWED TO HAVE CONSTRUCTED ON PROPERTIES OWNED BY SAID DEFENDANT A FENCE 7 FEET 8½ INCHES HIGH AND 63 FEET 9½ INCHES LONG WITH A GATE 15 FEET 11 INCHES LONG AND 9 FEET 3 INCHES HIGH. THIS STRUCTURE IS A VIOLATION OF THE HEIDELBERG TOWNSHIP ZONING ORDINANCE NO. 2-78, SECTION 300, SUBSECTION C. ORDINANCE NO. 96-1, AN ORDINANCE PROVIDING FOR FINES AND PENALTIES FOR VIOLATION OF TOWNSHIP ORDINANCES.

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(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: G. STEVEN MCKONLY, P.C. Address: 119 BALTIMORE STREET
Telephone: 717-637-8828 HANOVER, PA 17331

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Address:	P.O. BOX 428 301 N. MAIN STREET YORK NEW SALEM, PA
Telephone: (717) 793-5200	17371-0428

PLAINTIFF
NAME and ADDRESS
ANDREW RICHARDSON - ZONING OFFICER
HEIDELBERG TOWNSHIP
RD 3 BOX 3447A
SPRING GROVE PA 17362
VS.
DEFENDANT:
NAME and ADDRESS
HERBERT STERNER
COLONIAL VALLEY
P.O. BOX 34
MENGENS MILLS, PA 17346

Docket No.:
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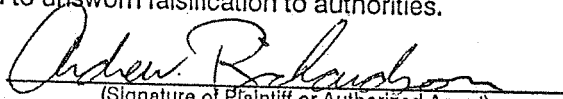


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(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: G. STEVEN MCKONLY, P.C. Address: 119 BALTIMORE STREET
Telephone: 717-637-8828 HANOVER, PA 17331

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PLAINTIFF

NAME and ADDRESS

ANDREW RICHARDSON - ZONING OFFICER
HEIDELBERG TOWNSHIP
RD 3 BOX 3447A
SPRING GROVE PA 17362

DEFENDANT:

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THE DEFENDANT, HERBERT STERNER, OWNER OF COLONIAL VALLEY, CONSTRUCTED OR ALLOWED TO HAVE CONSTRUCTED ON PROPERTIES OWNED BY SAID DEFENDANT AN ADDITION TO AN EXISTING BUILDING WITHOUT HAVING OBTAINED A BUILDING PERMIT FROM THE TOWNSHIP. THIS STRUCTURE HAS A PUTATIVE COST OR VALUE THAT EXCEEDS THE SUM OF ONE THOUSAND AND 00/100 (\$1000.00) DOLLARS. THIS STRUCTURE IS A VIOLATION OF THE HEIDELBERG TOWNSHIP PERMIT ORDINANCE NUMBER 94-3 SECTION 3. ORDINANCE NO. 96-1, AN ORDINANCE PROVIDING FOR FINES AND PENALTIES FOR VIOLATION OF TOWNSHIP ORDINANCE.

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Andrew Richardson
(Signature of Plaintiff or Authorized Agent)

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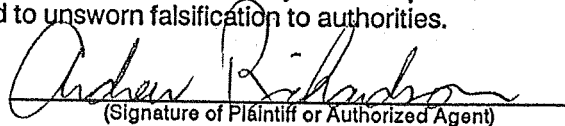


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THE DEFENDANT, HERBERT STERNER, OWNER OF COLONIAL VALLEY, CONSTRUCTED OR ALLOWED TO HAVE CONSTRUCTED ON PROPERTIES OWNED BY SAID DEFENDANT A STAIRCASE ON THE OUTSIDE OF AN EXISTING BUILDING WITHOUT HAVING OBTAINED A BUILDING PERMIT FROM THE TOWNSHIP. THIS STRUCTURE HAS A PUTATIVE COST OR VALUE THAT EXCEEDS THE SUM OF ONE THOUSAND AND 00/100 (\$1000.00) DOLLARS. THIS STRUCTURE IS A VIOLATION OF THE HEIDELBERG TOWNSHIP PERMIT ORDINANCE NUMBER 94-3 SECTION 3. ORDINANCE NO. 96-1, AN ORDINANCE PROVIDING FOR FINES AND PENALTIES FOR VIOLATION OF TOWNSHIP ORDINANCE.

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Mag. Dist. No.:	19-3-06
DJ Name: Hon.	KIM S. LEPP
Address:	P.O. BOX 428 301 N. MAIN STREET YORK NEW SALEM, PA
Telephone:	(717) 793-5200 17371-0428

PLAINTIFF	NAME and ADDRESS
	ANDREW RICHARDSON - ZONING OFFICER HEIDELBERG TOWNSHIP RD 3 BOX 3447A SPRING GROVE PA 17362
DEFENDANT:	VS.
	NAME and ADDRESS
	HERBERT STERNER COLONIAL VALLEY P.O. BOX 34 MENGENS MILLS, PA 17346

Docket No.:
Date Filed:

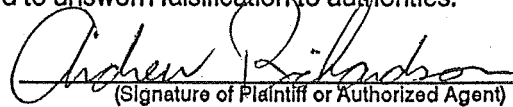


	AMOUNT	DATE PAID
FILING COSTS \$		/ /
SERVING COSTS \$		/ /
TOTAL \$		/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1,000.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

THE DEFENDANT, HERBERT STERNER, OWNER OF COLONIAL VALLEY, CONSTRUCTED OR ALLOWED TO HAVE CONSTRUCTED ON PROPERTIES OWNED BY SAID DEFENDANT A STAIRCASE ON THE OUTSIDE OF AN EXISTING BUILDING. THIS STRUCTURE WAS CONSTRUCTED WITHIN AN IDENTIFIED FLOOD PLAIN AREA WITHOUT HAVING OBTAINED BUILDING PERMITS AND APPROVALS AS SET FORTH IN ARTICLE II OF THE FLOOD PLAIN AREA ORDINANCE NUMBER 81-A. ORDINANCE NO. 96-1, AN ORDINANCE PROVIDING FOR FINES AND PENALTIES FOR VIOLATION OF TOWNSHIP ORDINANCE.

I, ANDREW RICHARDSON verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. S.C.A. § 4904) related to unsworn falsification to authorities.


(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney:	<u>G. STEVEN MCKONLY, P.C.</u>	Address:	<u>119 BALTIMORE STREET</u>
Telephone:	<u>717-637-8828</u>		<u>HANOVER, PA 17331</u>

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

CIVIL COMPLAINT

Mag. Dist. No.:	19-3-06
DJ Name: Hon.	KIM S. LEPPA
Address:	P.O. BOX 428 301 N. MAIN STREET YORK NEW SALEM, PA
Telephone: (717) 793-5200	17371-0428

PLAINTIFF
NAME and ADDRESS
ANDREW RICHARDSON - ZONING OFFICER
HEIDELBERG TOWNSHIP
RD 3 BOX 3447A
SPRING GROVE PA 17362
VS.
DEFENDANT:
NAME and ADDRESS
HERBERT STERNER
COLONIAL VALLEY
P.O. BOX 34
MENGENS MILLS, PA 17346

Docket No.:
Date Filed:

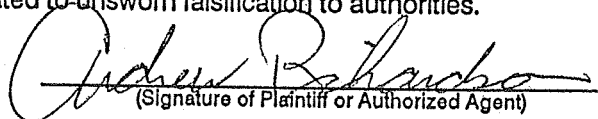


	AMOUNT	DATE PAID
FILING COSTS \$		/ /
SERVING COSTS \$		/ /
TOTAL \$		/ /

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THE DEFENDANT, HERBERT STERNER, OWNER OF COLONIAL VALLEY, CONSTRUCTED OR ALLOWED TO HAVE CONSTRUCTED ON PROPERTIES OWNED BY SAID DEFENDANT ALTERATIONS TO THE STRUCTURE KNOWN AS THE HAUNTED MILL WITHOUT HAVING OBTAINED A BUILDING PERMIT FROM THE TOWNSHIP. THESE ALTERATIONS HAVE A PUTATIVE COST OR VALUE THAT EXCEEDS THE SUM OF ONE THOUSAND AND 00/100 (\$1000.00) DOLLARS. THESE ALTERATIONS ARE A VIOLATION OF THE HEIDELBERG TOWNSHIP PERMIT ORDINANCE NUMBER 94-3 SECTION 3. ORDINANCE NO. 96-1, AN ORDINANCE PROVIDING FOR FINES AND PENALTIES FOR VIOLATION OF TOWNSHIP ORDINANCE.

I, ANDREW RICHARDSON verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. S.C.A. § 4904) related to unsworn falsification to authorities.


(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: G. STEVEN MCKONLY, P.C. Address: 119 BALTIMORE STREET
Telephone: 717-637-8828 HANOVER, PA 17331

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Mag. Dist. No.:	19-3-06
DJ Name: Hon.	KIM S. LEPP
Address:	P.O. BOX 428 301 N. MAIN STREET YORK NEW SALEM, PA
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PLAINTIFF	NAME and ADDRESS
	ANDREW RICHARDSON - ZONING OFFICER HEIDELBERG TOWNSHIP RD 3 BOX 3447A SPRING GROVE PA 17362
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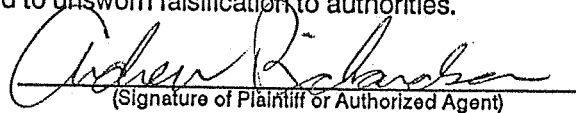


	AMOUNT	DATE PAID
FILING COSTS \$		/ /
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TOTAL \$		/ /

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(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: G. STEVEN MCKONLY, P.C. Address: 119 BALTIMORE STREET
Telephone: 717-637-8828 HANOVER, PA 17331

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HEIDELBERG TOWNSHIP

York County
R. D. #3, Box 3447A
Spring Grove, PA 17362
(717) 225-6606

October 23, 1996

TO: Randy Drais

FROM: Norma Markle

RE: Update of October 18, 1996 Letter

It has come to our attention that it is very likely there has been additions made to the "Haunted Mill" since the inspection of the facility by the Department of Labor and Industry.

We have been informed by an inside source, that the floor plan that was approved has been altered to include more rooms than shown on the original plan. This person is also concerned by the hydraulic equipment which he states is very likely being used in some of the buildings.

We are still requesting that Labor & Industry make an investigation as soon as possible. Please be aware that our police chief and fire chief are willing to be present at an inspection.

I thank you in advance for any assistance you can give us in this matter.

STEVEN R. NICKOL, MEMBER
ROOM 150-B EAST WING
HOUSE POST OFFICE BOX 202020
MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120-2020
PHONE: (717) 783-8875
TOLL-FREE 1-800-251-8798
FAX: (717) 787-0860
HANOVER DISTRICT OFFICE:
141 BROADWAY, SUITE 130
HANOVER, PENNSYLVANIA 17331
PHONE: (717) 633-1721
FAX: (717) 633-9295

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG



COMMITTEES
APPROPRIATIONS
HEALTH AND HUMAN SERVICES
INSURANCE
POLICY
STATE GOVERNMENT
FIREFIGHTERS CAUCUS

TO:

Lori Stouffer
Legislative Affairs Office
Pennsylvania Department of Labor and Industry

FROM:

Randy S. Drais, Legislative Assistant to
Representative Steven R. Nickol
150-B, East Wing
783-8875

October 18, 1996 Letter From Heidelberg Township, York County

Enclosed is a copy of a letter we received today from Heidelberg Township regarding the situation I discussed with you yesterday.

The Township's safety concerns involving this facility would appear to warrant another on-site inspection by officials from the Department of Labor and Industry, which was indeed done last year after a similar request was made by the Township. It is my understanding that several violations were found last year, but since the facility was scheduled to close on the evening of the inspection, no action was taken.

Despite the short notice, if another inspection can be set up which would allow the Police Chief and Fire Chief to accompany Department officials, it would be greatly appreciated.

Thank you again for your assistance in this matter.

RSD:dp

Enclosure

cc: Norma Markle, Secretary
Heidelberg Township

HEIDELBERG TOWNSHIP

York County
R. D. #3, Box 3447A
Spring Grove, PA 17362
(717) 225-6606

October 18, 1996

Department of Labor & Industry
1518 Labor & Industry Building
7th and Forster Streets
Harrisburg PA 17120

Dear Gentlemen,

On behalf of the Board of Supervisors, I have been asked to contact your department concerning the "Haunted Mill" in Menges Mills, York County, PA. It has come to our attention that they are operating under conditions that could be very hazardous. The Township has no enforceable code that can be enforced before the activities close on November 2, 1996.

It has come to our attention by a contractor from Lancaster County that there are some items that need immediate attention:

1. Open electrical wires
2. Wiring devices hanging down
3. Moving walls
4. Build in a Flood Plain Area

The Township was contacted by your Department on September 24, 1996 and told that the "Haunted Mill" has been inspected and everything was in order. I am requesting that you forward to us a copy of the "Certificate of Occupancy" for the "Haunted Mill" that has been issued by your Department.

We are pleading with you Department to inspect these buildings as soon as possible. Our Police Chief, Fire Chief and Zoning Officer would be willing to make this inspection with you.

There are anywhere from 1,000 to 1,500 or more people who go through this establishment a night, mostly teens. The contractor I spoke about is very concerned about these people and their safety, he said he has lost 2 children in a fire and doesn't want anyone to have to suffer the pain he and his wife have been through. He said the way things are right now, it is an accident waiting to happen.

If I can be of further help to your department, please don't hesitate to call. I'm hoping to hear from your Department very soon, so that a tragedy may be avoided.

Sincerely,

Norma Markle

Norma Markle
Secretary

HEIDELBERG TOWNSHIP

York County
R. D. #3, Box 3447A
Spring Grove, PA 17362
(717) 225-6606

October 18, 1996

Department of Labor & Industry
1518 Labor & Industry Building
7th and Forster Streets
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If I can be of further help to your department, please don't hesitate to call. I'm hoping to hear from your Department very soon, so that a tragedy may be avoided.

Sincerely,

Norma Markle

Norma Markle
Secretary

MEMO: 11-3-95

On this date I spoke to Michael Keane, Dept. of Labor & Industry concerning his inspection to Colonial Valley. He stated that there were violations at the Haunted Mill & Barn but since they were due to close that evening no action was taken. He stated to call this Dept. next year so they may inspect it the first night it opens. He stated that there were 11 violations in the flea market area and they would have to be revised within 4 months and they will be doing the inspection.

(violations were no panic bars on doors, no exit signs, doors don't open the correct way, no fire extinguishers.....)

Norma

ORIGINAL

Wilson Jones • Carbonless • MADE IN USA
44-901 Tripartite

HEIDELBERG TOWNSHIP

York County
R. D. #3, Box 3447A
Spring Grove, PA 17362
(717) 225-6606

October 19, 1995

Department of Labor and Industry
B. O. IS - Room 1518
7th and Forster Streets
Harrisburg PA 17120

Dear Gentlemen,

As the Zoning Officer of Heidelberg Township, York County, I have received numerous complaints about a halloween amusement site called The Haunted Mill located along Colonial Valley Road in Menges Mills, PA, (Tax Map FF, Parcel 153) The property is owned and operated by Herbert Sterner, PO Box 34, Menges Mill PA 17346.

Some of the complaints that I have received are as follows:

- 1 - No Exit signs
- 2 - No fire extinguishers
- 3 - Too many people in the building at one time
- 4 - Not enough light inside the building
- 5 - Not enough emergency exits
- 6 - Poor ventilation
- 7 - A fire hazard

The Fire Chief of Porters Community Fire Company, David Shue, has expressed many concerns and potential fire hazards within the building.

It is estimated that as many as twelve hundred people go through the old gristmill per night. The site is open 7 PM to 11 PM on Thursday, Friday, Saturday and Sunday, from the last week in September until Halloween night.

I believe that his site is unsafe and should be inspected by your Department as soon as possible during an evening they are open. Appropriate should be taken before a problem arises.

I wish to use this letter to register a formal complaint about The Haunted Mill complex.

- Page 2 -

If I can be of any assistance to you please call 225-6606, 225-5345 or 845-7611. Thank you in advance for anything you can do for us.

Sincerely,

Andrew W. Richardson
(nam)

Andrew W. Richardson
Zoning Officer
Heidelberg Township
York County

NAM

cc: Steven R. Nickol
State Representative

5930 Colonial Valley

From Chris Walker <chriswalker@heidelbergtwpmmunicipal.com>
Date Thu 2/15/2024 9:02 AM
To Doug Stambaugh <dstambaugh@ghi-engrs.com>

Doug,
Good morning. I was wondering if you had the chance to review the plan for 5930 Colonial Valley Road, Menges Mills Management, to see if they need to have a storm water management plan for their proposal. As seen from satellite, it *appears* that the area proposed is already a compacted parking area, and that is why we are questioning.

Thank you!

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Roadmaster
Office 717-225-6606
Cell 717-521-8877



Outlook

5930 Menges Mill Road

From Chris Walker <chriswalker@heidelbergtwpmunicipal.com>

Date Thu 2/15/2024 9:13 AM

To jrr@architectureworkshopinc.com <jrr@architectureworkshopinc.com>

Jill,

The plans for 5930 Menges Mill Road were submitted to Heidelberg Township Planning Commission by Jerry and Kim of Menges Mills Management. I advised Jerry this morning that a land development plan will be needed for the project. We are also still awaiting word if a storm water plan will be required. I wanted to reach out to give you a heads up that Jerry will probably be contacting you.

Thanks,
Chris

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Roadmaster
Office 717-225-6606
Cell 717-521-8877

GHI
Engineers
and
Surveyors
Group Hanover, Inc.
Douglas L. Stambaugh, PLS, SEO
Edward L. Mori, PLS
Eric N. Trembly, PE
Robert A. Nedzel, PE, PLS

February 15, 2024

Heidelberg Township Board of Supervisors
6424 York Road
Spring Grove, PA 17362

ATTN: Tim Hansen, Chairman

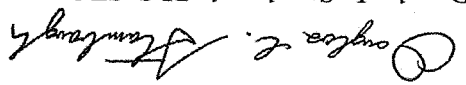
SUBJECT: MENGES MILLS MANAGEMENT
ARCHITECTUE WORKSHOP, INC.-POOL CABANAS-DATED 10/19/23
5930 COLONIAL VALLEY ROAD, SPRING GROVE
PROJECT NO. 24-0166-003

Dear Board Members,

I have reviewed the subject architectural plan which consists of a 6531 S.F. patio. This review is limited to stormwater management. The following are our comments:

1. The applicant should complete Municipal Stormwater Management Worksheet, Step 1, to document the existing and proposed coverage to determine the need for stormwater management for the project.
2. A copy of the land development plan existing, and proposed conditions plans should be included with the Step 1 worksheet.

Very truly yours,


Douglas L. Stambaugh, PLS, SEO

Cc: Barb Krebs-Heidelberg Twp. Manager, (via email) barbkrebs@heidelbergtwpnmunicipal.com
Jill Rohrbach, R.A.-Architecture Workshop, (via email) jrr@architectureworkshopinc.com
Chris Walker-Zoning Officer (via email) chriswalker@heidelbergtwpnmunicipal.com

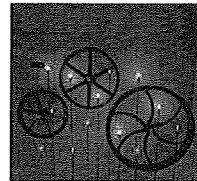
RE: 24-0166-003 Menges Mills Management

From Jill Rohrbach <jrr@architectureworkshopinc.com>
Date Thu 2/15/2024 10:56 AM

To Janice Farley <jfarley@ghi-engrs.com>; Tim Hansen <timhansen@heidbergtpmunicipal.com>
Cc Doug Stambaugh <dstambaugh@ghi-engrs.com>; Barbara Krebs <barbkrebs@heidbergtpmunicipal.com>;
Chris Walker <chriswalker@heidbergtpmunicipal.com>; kimskrypt@aol.com <kimskrypt@aol.com>

RECEIVED, thank you.

I've reviewed with the owner, Kim Yates.
She is moving forward with securing a site engineer to complete the
required stormwater and land development plans
Will continue to keep you posted --- Jill



Jill R Rohrbach AIA
ARCHITECTURE WORKSHOP INC
Phone 717 632 5688
Mobile 717 965 4039
Email jrr@architectureworkshopinc.com
One South Railroad Street
Hanover Pennsylvania 17331

From: Janice Farley <jfarley@ghi-engrs.com>
Sent: Thursday, February 15, 2024 10:30 AM
To: timhansen@heidbergtpmunicipal.com
Cc: Doug Stambaugh <dstambaugh@ghi-engrs.com>; Barb Krebs <barbkrebs@heidbergtpmunicipal.com>; Jill
Rohrbach <jrr@architectureworkshopinc.com>; chriswalker@heidbergtpmunicipal.com
Subject: 24-0166-003 Menges Mills Management

Good morning,
Please see attached letter.
Thank you.
Kind regards,
Janice Farley



213 Carlisle Street
Hanover, PA 17331
Phone: (717) 637-3800, Ext. 100 ~ Fax: (717) 633-9143
Email: work – jfarley@ghi-engrs.com
Web site - <http://www.ghi-engrs.com>

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 Please consider the environment before printing.

Re: 5932 Colonial Valley Road

From Chris Walker <chriswalker@heidelbergtwpmunicipal.com>
Date Wed 8/7/2024 11:23 AM
To tshults <tshults@salzmannhughes.com>

I should be available Monday, Tuesday or Thursday morning.
Thanks again for your time, Tim.

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Roadmaster
Office 717-225-6606
Cell 717-521-8877

From: Tim Shults <tshults@salzmannhughes.com>
Sent: Wednesday, August 7, 2024 11:17 AM
To: Chris Walker <chriswalker@heidelbergtwpmunicipal.com>
Subject: RE: 5932 Colonial Valley Road

Got it; let me know when you are available then

Timothy J. Shults

1147 Eichelberger Street, Suite F | Hanover, PA 17331
Office: 717.630.2434 Ext. 1501
Fax: 717.814.3158

SALZMANN
HUGHES, P.C.
Attorneys at Law
www.salzmannhughes.com

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Beware! Wire Fraud is on the Rise.

Accepting wire and disbursement instructions by email is dangerous, especially changes to those instructions. Verify by calling the originator of the email using previously known contact information prior to sending funds.



From: Chris Walker <chriswalker@heidelbergwpmunicipal.com>
Sent: Wednesday, August 7, 2024 11:15 AM
To: Tim Shults <tshults@salzmannhughes.com>
Subject: Re: 5932 Colonial Valley Road

External Email Warning!

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Unfortunately, I am at West Manheim (full time) tomorrow.

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Roadmaster
Office 717-225-6606
Cell 717-521-8877

From: Tim Shults <tshults@salzmannhughes.com>
Sent: Wednesday, August 7, 2024 10:49 AM
To: Chris Walker <chriswalker@heidelbergwpmunicipal.com>
Subject: RE: 5932 Colonial Valley Road

Chris—Are you free tomorrow am for a phone call about this; if so, let me know a good time. Thanks.
Tim

Timothy J. Shults

1147 Eichelberger Street, Suite F | Hanover, PA 17331
Office: 717.630.2434 Ext. 1501
Fax: 717.814.3158

SALZMANN
HUGHES, P.C.
Attorneys at Law
www.salzmannhughes.com

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From: Chris Walker <chriswalker@heidelbergtownshipmunicipal.com>
Sent: Wednesday, August 7, 2024 10:46 AM
To: Tim Shults <tsaults@salzmannhughes.com>
Subject: Re: 5932 Colonial Valley Road

External Email Warning!

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and KNOW the content is safe.

Tim,

Thank you for your time and response.

The stormwater ordinance is attached. It is quite bulky, so I also attached the simplified approach that was provided by Doug Stambaugh, our SEO.

I will read and digest the Moosic decision pertaining to the Land Development. My main

concern is the occupation of these cabanas without permits and inspections, including use and occupancy. We were told there would be electricity to each cabana. Without inspections, how can we verify safety? What actions do we have at our disposal until inspections are performed?

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Roadmaster
Office 717-225-6606
Cell 717-521-8877

From: Tim Shults <tsaults@salzmannhughes.com>
Sent: Wednesday, August 7, 2024 10:25 AM

To: Chris Walker <chriswalker@heidelbergtownshipmunicipal.com>
Cc: Barbara Krebs <barbkrebs@heidelbergtownshipmunicipal.com>; Judy Mustard <judymustard@heidelbergtownshipmunicipal.com>

Subject: RE: 5932 Colonial Valley Road

Chris—We should discuss this further, but here are some things to consider. Let me know when you might be available for a call.

As to whether this is land development, such that it requires a land development plan, the definition of land development is:

“Land development,” any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or

(ii) the division or allocation of **land** or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) **Development** in accordance with section 503(1.1).³ [see below]

I don't think a patio (in isolation) extension is **land development**—even if it is commercial. Consider the selected quotes below from Borough of Moosic v. ZHB of Borough of Moosic, where the Court held that the construction of a patio was not land development.

The Borough argues that the term "land development" includes "any improvement of a nonresidential building." (Borough's Br. at 18 (emphasis added).) According to the Borough, the SALDO and MPC do not define "improvement," but the Borough further argues that, when a term is not defined, Section 268–5 of the Borough Code⁶ provides that the meaning shall be its "standard usage." (Borough Code § 268–5.) The Borough states that Webster's Dictionary defines "improvement" as an enhancement or increase in value. (Borough's Br. at 18.) The Borough contends that the roof over the Patio is an enhancement that increases the value of the Building and, therefore, it constitutes an "improvement" to a nonresidential building and is "land development" under the SALDO and MPC.

In contrast, Basile argues that all that is at issue in this appeal is his request to erect a roof over the previously approved Patio. The construction of the Patio had been approved within the Renovation Application, which the Borough approved for the entire Building without requiring Basile to submit land development plans and obtain land development approvals. Therefore, Basile argues that his *nunc pro tunc* Roof Permit request is not the type of "improvement" contemplated under Section 107(a) of the MPC or the SALDO as "land development," and we must agree.

Our Supreme Court has provided clarification in the application of the definition of "land development" in the MPC, stating:

The definition of land development, of course, does not exist in a vacuum. The significance of the definition is in the consequence of a finding that a proposed land use involves development; that consequence is the requirement of a land development plan. The statutory definition "568 of [a] development plan in the MPC plainly speaks of large-scale development and the issues that necessarily arise with such development[.]

Upper Southampton Township v. Upper Southampton Zoning Hearing Board, 594 Pa. 58, 67, 934 A.2d 1162, 1168 (2007) (emphasis added). The Supreme Court noted that the case law on this subject typically involves a large tract of land being divided into smaller parcels for the construction of residential or commercial buildings. *Upper Southampton*, 594 Pa. at 68, 934 A.2d at 1168, "[i]t is precisely this kind of large-scale development of land, with an inevitable and concomitant effect on the public generally, that is contemplated by the MPC." *Id.* (emphasis added). In *Upper Southampton*, the Supreme Court held that the construction of a billboard was not the type of large-scale development that required a land development plan. *Id.*, 594 Pa. at 71, 934 A.2d at 1170. "To read the statute otherwise would be unreasonable." *Id.*, 594 Pa. at 69, 934 A.2d at 1169.

Given the Supreme Court's holding in *Upper Southampton*, it would be unreasonable to interpret, as the Borough requests, that the definitions of land development under Section 107(a) and the SALDO are so broad that they would require land development plans and approvals for the construction of a roof over the previously approved Patio. In this case, the Patio was only one component of a substantial renovation of the Building, which was approved in its entirety without land development plans and approvals being required. Basile's construction of the roof over the Patio is certainly not the type of "large-scale development of land" described in *Upper Southampton*, 594 Pa. at 68, 934 A.2d at 1168.

The cabanas are a bit of a wrinkle, but applying Moosic, I am not entirely sure whether the total project is land development.

As to Storm Water, I need to see our Storm Water Management Ordinance and see how the addition of the impervious area and the existing impervious area factors into the requirement of a SW Plan. The property itself is 62 acres, which I believe is also a factor. Can you send me a copy of the Ordinance?

As to general permitting, I would think a zoning and building permit would be required.

FN3 (1.1) Provisions for the exclusion of certain land and development from the definition of land development contained in section 107² only when such land development involves:

- (i) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (iii) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Timothy J. Shults

1147 Eichelberger Street, Suite F | Hanover, PA 17331
Office: 717.630.2434 Ext. 1501
Fax: 717.814.3158

SALZMANN
HUGHES, P.C.
Attorneys at Law
www.salzmanhughes.com

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Beware! Wire Fraud is on the Rise.
Accepting wire and disbursement instructions by email is dangerous, especially changes to those instructions. Verify by calling the originator of the email using previously known contact information prior to sending funds.

From: Chris Walker <chriswalker@heidelbergtownshipmunicipal.com>
Sent: Thursday, August 1, 2024 1:01 PM

To: Tim Shults <tsults@salzmanhughes.com>

Cc: Barbara Krebs <barbkrebs@heidelbergtownshipmunicipal.com>; Judy Mustard

<judy mustard@heidelbergtownshipmunicipal.com>
Subject: 5932 Colonial Valley Road

External Email Warning!

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and KNOW the content is safe.

Tim,

We have been dealing with Menges Mills Management since I started this position for their request to expand their pool patio and add cabanas around that addition for private "activities." They were advised that we would need stormwater evaluation as well as a land development plan before any permits could be issued or work could begin. We haven't heard from them in quite awhile.

Lo and behold, while looking at another property on ARGIS, something caught my eye.

The patio has been expanded and the cabanas are present. I would imagine they are occupied at times.

With no permits issued, I'm very confident in assuming no inspections were done. What courses of action can we take?

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Roadmaster
Office 717-225-6606
Cell 717-521-8877

Menges Mills Management and 6299 Hoff Road.

From Chris Walker <chriswalker@heidelbergtwpmunipal.com>
Date Wed 9/11/2024 2:45 PM

To Barbara Krebs <barbkrebs@heidelbergtwpmunipal.com>; Judy Mustard
<judymustard@heidelbergtwpmunipal.com>
Cc tshutts <tshutts@salzmannhughes.com>

I finally got hold of Kim Yates, owner of Menges Mills Management (the Haunted Mill and Kim's Korral.) I said we noted that the cabanas were there already. She admitted that they are. She said that the land development plan is in progress. There has been NO electricity run to the cabanas and no interior work. The cabanas are NOT operational and have not been occupied. They have only been delivered. They have no plans of occupying them until everything is on the up and up. I told her we look forward to seeing the land development plan and to have a great day (NOT sarcastically!) I feel a little better about it now.

6299 Hoff Road embankment has been boom mowed with the blessing of the homeowner, Mr. Dan Laucks. That situation has been resolved.

I am not in tomorrow, so enjoy your weekends!

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Roadmaster
Office 717-225-6606
Cell 717-521-8877

January 13, 2025



6424 York Road Spring Grove, Pennsylvania 17362

Menges Mills Management
Attn: Kim Yates

Kim,

Heidelberg Township is aware of the situation with your patio expansion to include the cabanas. We understand that your Land Development Plan is in progress. We are agreeable to submitting your building and electrical permit applications at this time to allow the inspections to take place. We will, however, not issue a Use and Occupancy Permit until all final inspections as well as the Land Development Plan are completed and approved. As soon as all requirements are met, we will issue your Use and Occupancy Permits.

Thank you,

Chris Walker

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Office 717-225-6606 ext. 5

Letter

From Chris Walker <chriswalker@heidelbergtownmunicipal.com>
Date Mon 1/13/2025 11:43 AM

To kimskrpyt@aol.com <kimskrpyt@aol.com>

7 attachments (673 KB)

Menges Mill Awareness.pdf; Building Permit Application.pdf; Building Permit Instructions.pdf; Electrical Permit Application.pdf; Sample Plot Plan - Building.pdf; Waiver Request.pdf; Workers Comp Statement.pdf;

Kim, I have attached the letter confirming our awareness of the patio project. I have also attached the commercial building application as well as the electrical permit applications. I confirmed with Judy that for the building and electrical permits, since you already paid those fees, I will not be charging you again. Please fill out the new applications and I will get them up for plan review and approval ASAP.

I hope we can get this rolling for you in a timely manner.

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Building Code Official
717-225-6606 ext. 5

RE: Menges Mills Management Land Development

From Anthony Lain <ADL@csdavidson.com>
Date Mon 1/27/2025 12:29 PM

To Chris Walker <chriswalker@heidelbergtwpmmunicipal.com>

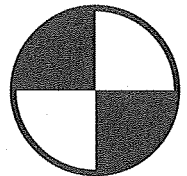
Hey Chris,

I received digital copies on Friday and hard copies this morning.

Thank you,

Anthony Lain
Project Manager
C.S. DAVIDSON, INC.

38 N. Duke St. • York, PA 17401
O: 717.814.4527 • C: 717.578.8983



From: Chris Walker <chriswalker@heidelbergtwpmmunicipal.com>
Sent: Monday, January 27, 2025 11:48 AM
To: Anthony Lain <ADL@csdavidson.com>
Subject: Menges Mills Management Land Development

Good morning Anthony. Have you received any communication from Menges Mills Management (through Gordon, Brown and Associates) for their Land Development? I have the digital version and hard copies if you have not.

Chris Walker

Heidelberg Township

Zoning and Codes Enforcement Officer

Building Code Official

717-225-6606 ext. 5

RE: February PC Meeting

From Judy Mustard <judymustard@heidelbergtwpmunipal.com>
Date Thu 2/6/2025 12:03 PM

To Chris Walker <chriswalker@heidelbergtwpmunipal.com>; Judy Tesssem <j_tesssem@comcast.net>; Andy Warehime <Andywarehime452@gmail.com>; Phil Marks <PMarks6475@comcast.net>; Travis Laughman <JDfamily1984@gmail.com>; Doug Brodhecker <brodhdf@gmail.com>; Katie Holmes <katieholmes@heidelbergtwpmunipal.com>

We will be having our meeting this month to Reorganize. Meeting is Wednesday the 12th. Please let us know if you cannot attend. Thank you!

From: Chris Walker <chriswalker@heidelbergtwpmunipal.com>

Sent: Monday, February 3, 2025 11:48 AM

To: Judy Tesssem <j_tesssem@comcast.net>; Andy Warehime <Andywarehime452@gmail.com>; Phil Marks <PMarks6475@comcast.net>; Travis Laughman <JDfamily1984@gmail.com>; Doug Brodhecker <brodhdf@gmail.com>; Judy Mustard <judymustard@heidelbergtwpmunipal.com>; Katie Holmes <katieholmes@heidelbergtwpmunipal.com>

Subject: Re: February PC Meeting

Good morning, everyone.

Our engineer, Anthony Lain of C.S. Davidson, stopped by today. After reviewing the Menges Mills Management Land Development Plan and researching our SALDO and other applicable ordinances, it has been determined that these plans do NOT require a land development plan and simply fall under the Zoning Ordinance, requiring only Zoning and applicable Building Permits. I spoke with Chairman Laughman a bit ago. He will be checking with the BOS to see if they would like the Planning Commission to have a meeting simply for reorganization this month or if they would prefer if the Commission waited to reorganize until there is other business requiring a meeting.

Have a good day,

Chris

Chris Walker

Heidelberg Township

Zoning and Codes Enforcement Officer

Building Code Official

717-225-6606 ext. 5

From: Chris Walker

Sent: Monday, January 27, 2025 11:46 AM

To: Judy Tesssem <J_tesssem@comcast.net>; Andy Warehime <Andywarehime452@gmail.com>; Phil Marks <PMarks6475@comcast.net>; Travis Laughman <JDFamily1984@gmail.com>; Doug Brodhecker <brodhdj@gmail.com>; Judy Mustard <judymustard@heidelbergtwp.municipal.com>; Katie Holmes <katieholmes@heidelbergtwp.municipal.com>

Subject: February PC Meeting

Good morning all. We have received the land development plan for Menges Mills Management. They basically just want to remove some small buildings and make a ticket booth and an eating area. Also included is the patio extension for their cabanas. It is a relatively simple plan. I have included the digital version of the submission for you to view ahead of time. We also have full size hard copies at the office.

Have a good one

Chris Walker

Heidelberg Township

Zoning and Codes Enforcement Officer

Building Code Official

717-225-6606 ext. 5

Menges Mills Management and 6299 Hoff Road.

From Chris Walker <chriswalker@heidelbergtwpmunipal.com>
Date Wed 9/11/2024 2:45 PM

To Barbara Krebs <barbkrebs@heidelbergtwpmunipal.com>; Judy Mustard
<judymustard@heidelbergtwpmunipal.com>
Cc tshtitis <tshtitis@salzmannhughes.com>

I finally got hold of Kim Yates, owner of Menges Mills Management (the Haunted Mill and Kim's Korral.) I said we noted that the cabanas were there already. She admitted that they are. She said that the land development plan is in progress. There has been NO electricity run to the cabanas and no interior work. The cabanas are NOT operational and have not been occupied. They have only been delivered. They have no plans of occupying them until everything is on the up and up. I told her we look forward to seeing the land development plan and to have a great day (NOT sarcastically!) I feel a little better about it now.

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I am not in tomorrow, so enjoy your weekends!

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Roadmaster
Office 717-225-6606
Cell 717-521-8877

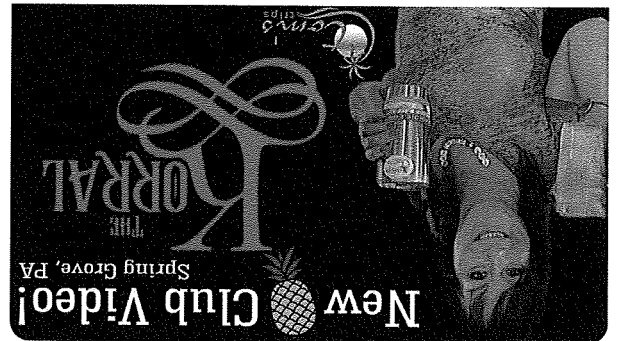
The Korral Enforcement Request – Adult Use Separation Requirement (1,000 Feet) and Request for Written Zoning Determination

From Mark Hudak <mphudak@icloud.com>
Date Thu 2/19/2026 3:45 PM
To Chris Walker <chriswalker@heidelbergtwpmunipal.com>; Judy Mustard <judymustard@heidelbergtwpmunipal.com>
Cc broughhouse@comcast.net <broughhouse@comcast.net>

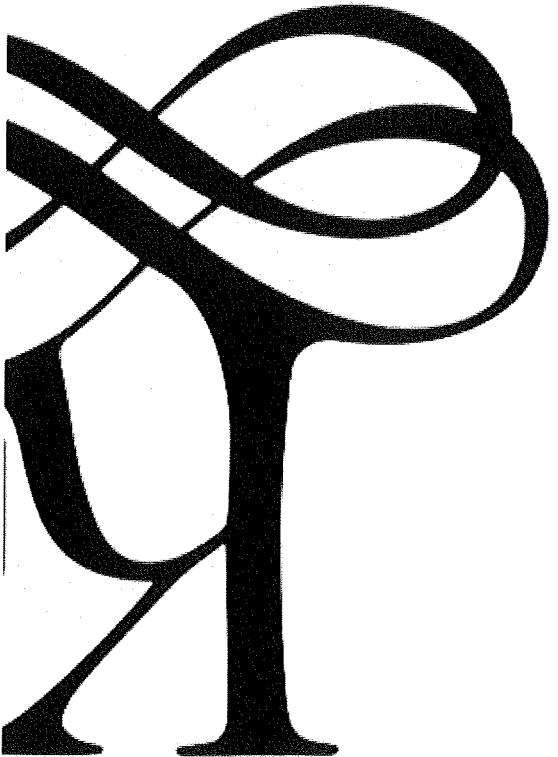
Mr. Chris Walker,

I am submitting this formal request for zoning enforcement and a written determination regarding an establishment operating in Heidelberg Township that meets the Township's definition of an adult use and is located within the Township's required separation distance from protected uses.

The business name is the "The Korral LLC" located 5932 Colonial Valley Road, Spring Grove, PA 17362.



The Korral Pineapple Club with TomandBunny
youtu.be



The Heidelberg Township Zoning Ordinance defines ADULT OTHER as:

"Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas.'"

The Ordinance identifies protected uses from which adult uses must maintain separation, including commercial recreation facilities (indoor/outdoor), daycare facilities primarily for children, libraries, parks, playgrounds, playfields, places of worship, schools (private/public), public swimming pools, and other lands, buildings, and uses where minors are permitted to congregate.

The establishment at issue is located within the Township's 1,000-foot separation requirement from multiple protected uses, including the Haunted Mill property and the adjacent grocery store, both of which constitute locations where minors are permitted to congregate under the Ordinance.

The business was established in 2014, well after adoption of the Township's current zoning ordinance. Accordingly, the use does not qualify as a preexisting lawful nonconforming use and must be supported by valid zoning approvals issued under the existing ordinance.

Despite the duration of operation, there is no publicly identifiable Zoning Hearing Board decision authorizing the use as an adult establishment at this location.

Given the clear application of the Ordinance's adult-use regulations and separation requirements, I respectfully request that the Township immediately begin enforcement proceedings consistent with

the Zoning Ordinance.

Additionally, please issue a written zoning determination stating:

1. Whether the Township classifies the use as an ADULT OTHER establishment (or other adult use category);
2. Whether the use complies with the 1,000-foot separation requirement;
3. The specific zoning approvals relied upon, if any; and
4. If the Township asserts the use is lawful without such approvals, the legal basis supporting that conclusion.

Please provide your written response within 10 business days.

Thank you for your attention to this matter.

Respectfully,

Mark Hudak

RE: Kims Krypt

From Judy Mustard <judymustard@heidelbergtwpmunipal.com>
Date Thu 10/3/2024 7:41 AM

To Chris Walker <chriswalker@heidelbergtwpmunipal.com>

Obviously-I think she meant when you come back. I'm guessing she told the resident that you were out of town. Do you want me to call them? I can't go down there because I have no authority, but I could call them and tell them we received a complaint? But I do not have any number for them to call-any chance you have that in your phone?

From: Chris Walker <chriswalker@heidelbergtwpmunipal.com>
Sent: Wednesday, October 2, 2024 5:10 PM

To: Judy Mustard <judymustard@heidelbergtwpmunipal.com>
Subject: Re: Kims Krypt

She is aware of where I am! What exactly does she expect me to do about it? Drive up there from OBX? I mean, I'd do it. And I'd clock in for every second of the drive and every 10th of a mile too.

Ugh.

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Assistant Road Master
Office 717-225-6606
Cell 717-521-8877

From: Judy Mustard <judymustard@heidelbergtwpmunipal.com>
Sent: Tuesday, October 1, 2024 12:50:53 PM

To: Chris Walker <chriswalker@heidelbergtwpmunipal.com>
Subject: Kims Krypt

Barb received a call about going down to Kims Krypt and talking to them about the music being too loud. She asked me to let you know.

Judy Mustard
Heidelberg Township Secretary

Re: Completed Building Permit Application for Menges Mill Management (Kim Yates)

From Chris Walker <chriswalker@heidelbergtwp.municipal.com>
Date Tue 1/28/2025 10:57 AM

To Jennifer Davis <mengesmillmanagement@gmail.com>; kimskrypt@aol.com <kimskrypt@aol.com>

Got them this time. I'll send them up for review immediately.

Chris Walker
Heidelberg Township
Zoning and Codes Enforcement Officer
Building Code Official
717-225-6606 ext. 5

From: Jennifer Davis <mengesmillmanagement@gmail.com>
Sent: Tuesday, January 28, 2025 10:54 AM

To: Chris Walker <chriswalker@heidelbergtwp.municipal.com>
Cc: kimskrypt@aol.com <kimskrypt@aol.com>

Subject: Fwd: Completed Building Permit Application for Menges Mill Management (Kim Yates)

I apologize that you didn't get these before. Not sure what happened. I am resending you the completed copies of the Building Permit Application for Menges Mill Management.

----- Forwarded message -----

From: **Jennifer Davis** <mengesmillmanagement@gmail.com>
Date: Fri, Jan 17, 2025 at 1:56 PM

Subject: Completed Building Permit Application for Menges Mill Management (Kim Yates)

To: <chriswalker@heidelbergtwp.municipal.com>
Cc: . <kimskrypt@aol.com>

Please find attached completed copies of the Building Permit Application for Menges Mill Management. Please let us know if there is anything else you need from us for this process.

Thank you

--
Jen Davis

Administrative Property Manager

Menges Mill Management, LLC./Kim's Krypt Haunted Mill, LLC.

5930 Colonial Valley Rd
Spring Grove, Pa. 17362
Phone: (717) 225-4811 Email: mengesmillmanagement@gmail.com

Judy Mustard

From: Jay Kalasnik <jkalasnik@kalasniklaw.com>
Sent: Tuesday, August 18, 2026 3:31 PM
To: Judy Mustard
Subject: RE: RTK Request

I have no record of any emails that have anything to do with Menges Mill Management, Kim's Krypt and the Korral or address 5930 Colonial Valley Road.

Joseph A. Kalasnik, Esq.
Kalasnik Law Office LLC
1157 Eichelberger Street Suite 4
Hanover, PA 17331

717-630-0909
717-632-8020 FAX
www.kalasniklawoffice.com

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From: Judy Mustard <judy mustard@heidelerbergwpmunicipal.com>
Sent: Monday, August 17, 2026 12:02 PM

To: Tim Hansen <timhansen@heidelerbergwpmunicipal.com>; Matt Bollinger <matbollinger@heidelerbergwpmunicipal.com>; Travis Laughman <travislaughman@heidelerbergwpmunicipal.com>; Chris Walker <chriswalker@heidelerbergwpmunicipal.com>
Cc: Katie Holmes <katieholmes@heidelerbergwpmunicipal.com>; Idan Ghazanfari <ighazanfari@salzmannhughes.com>; tschults <tschults@salzmannhughes.com>; broughthouse@comcast.net; aybrough@gmail.com; Jay Kalasnik <jkalasnik@kalasniklaw.com>; Anthony Lain <adl@csdavidson.com>

Subject: RTK Request

We are in possession of a RTK requesting all emails that have anything to do with Menges Mill Management, Kim's Krypt and the Korral or address 5930 Colonial Valley Road. We will need this ASAP please.

Communications (email, text, and other electronic messages)

This section requests Communications as defined above. So that the search is complete and answerable, the requester asks the Township to treat each custodian listed in the table below as a separate item, and to search and produce all Communications concerning the parcel for each custodian for the period January 1, 2011 to the present.

All Communications between any Township official, employee, or agent and any of the Owner/Operator Parties (as defined above) concerning the parcel.

All internal Communications among Township officials, employees, or agents concerning the parcel.

Judy Mustard | Township Manager

Phone: (717) 225-6606 ext 110

Office Hours: Monday – Thursday 9:00am-1:00PM

Website: www.heidelbergtownshipmunicipal.com

Confidentiality Notice and Disclaimer:

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EXHIBIT “D”

Mustard Affidavit

AFFIDAVIT OF JUDY MUSTARD

Name of Requester: Mark Hudak

Records Requested:

Threshold items — address, parcel identity, and search scope

Because the parcel has appeared under more than one street address in Township records (5930 and 5932 Colonial Valley Road, an “8930 Colonial Valley Road” entry corrected by hand on one permit, and a possible “Menges Mill Road” reference) and the owner under more than one name, the requester asks that every item in this request be searched by parcel number (30-000-FF-0153.00-00000) and by each address variant and each Owner/Operator name variant, so that records filed under one address or name are not omitted when another is searched.

- 1. All records assigning, changing, or correcting any street address for the parcel, including any county uniform / 911 addressing records in the Township’s possession.*
- 2. All records concerning the street address shown on Building Permit No. 1489-15, which was printed as “8930 Colonial Valley Road” and corrected by hand to “5932 Colonial Valley Road,” and any record explaining that correction.*
- 3. All records mapping the addresses 5930 Colonial Valley Road, 5932 Colonial Valley Road, “8930 Colonial Valley Road,” and any “Menges Mill Road” address to Parcel No. 30-000-FF-0153.00-00000, and any record indicating whether those addresses denote separate structures, units, suites, or tenant spaces on the single parcel.*
- 4. Any record indicating whether the parcel has ever been subdivided, or whether 5930 and 5932 Colonial Valley Road are separate lots of record; and the current deed and tax-parcel record for the parcel in the Township’s possession.*
- 5. All subdivision and lot-line records concerning the parcel in the Township’s possession, including any plan that created the parcel or that separated it from, or combined it with, any adjoining parcel — including Parcel No. 30-000-FF-0144.B0-00000 (6055 West Side Avenue) and the parcel historically referenced as “151” in the chain of title (the “(COMB W/151)” notation).*
- 6. All recorded deeds and conveyances for the parcel in the Township’s possession, including the August 5, 2014 conveyance to Menges Mill Management LLC (York County Deed Book 2287, Page 4630) and the October 6, 2017 conveyance to the Commonwealth of Pennsylvania (Deed Book 2442, Page 1347), together with any record describing the interest transferred by the 2017 conveyance.*
- 7. All records concerning the location at which Kim’s Krypt Haunted Mill and/or The Korral (or any predecessor adult-related or social-club use, including any use operated as “Hedo Farm Resort” or “The Farm Travel Club”) operated before operating at the parcel, including at 6055 West Side Avenue (Parcel No. 30-000-FF-*

0144.B0-00000), and any record concerning the relocation or transfer of any such use to the parcel.

8. *Records sufficient to show the zoning district classification of the parcel (including the applicable zoning map sheet) and any change to that classification.*

I. Zoning permits, determinations, and classifications

9. *All zoning permits issued for the parcel, 5930 Colonial Valley Road, and/or 5932 Colonial Valley Road, and all applications therefor.*
10. *All written determinations, interpretations, or decisions issued by the Zoning Officer concerning the parcel, including any determination of permitted use, accessory use, change of use, or use classification.*
11. *Any determination, correspondence, or analysis addressing whether any use at the parcel constitutes an "Adult-Related Use" as defined in the Zoning Ordinance, and any application of the supplemental standards of Part 8, § 8.4.A (including separation and locational criteria) to the parcel.*
12. *Any zoning permit or determination addressing overnight accommodations, lodging, rooms, or transient occupancy at the parcel.*
13. *All records of any conditional-use application, hearing, or decision concerning the parcel.*

II. Nonconforming use

14. *Any nonconforming-use registration, certificate, application, or other record establishing the existence, commencement date, and scope of any nonconforming use at the parcel.*
15. *Any file, inspection record, or periodic-examination record maintained for any nonconforming use at the parcel, including records maintained under Zoning Ordinance § 11.1.A.1 (duties of the Zoning Officer to inspect nonconforming uses).*
16. *Any record establishing whether any nonconforming use claimed at the parcel existed at the parcel before the August 5, 2014 conveyance to Menges Mill Management LLC, and any record addressing whether a nonconforming use was relocated to the parcel from another property.*

As to the two items above, the requester asks that the search not be limited to the period stated at the outset but extend to the inception of any nonconforming use at the parcel, including records predating January 1, 2011.

III. Zoning Hearing Board

17. *All Zoning Hearing Board applications concerning the parcel (special exception, variance, or appeal of a determination).*
18. *All Zoning Hearing Board decisions, orders, findings of fact, and conclusions of law concerning the parcel.*
19. *All Zoning Hearing Board hearing notices, public-notice publications, agendas, sign-in sheets, minutes, transcripts, and exhibits concerning the parcel.*
20. *Any record evidencing a special exception granted under Zoning Ordinance § 7.30 (expansion or alteration of a nonconforming use) for the parcel; if none exists, a written statement to that effect as to this item.*

IV. Building permits, plans, inspections, and occupancy

21. *All building permits issued for the parcel, including but not limited to Permit Nos. 1478-15, 1489-15, 1036-16, 0149-25, B25-003, 2034-25, and B25-031, and any others, together with all applications therefor.*
22. *All construction documents, site plans, and drawings submitted in connection with any permit for the parcel, including the plan titled "Proposed Pool Cabanas" (Architecture Workshop, Inc.) and any plan bearing an "Approved for Construction" stamp.*
23. *All permit checklists, plan-review records, and intake records for the parcel.*
24. *All inspection records, inspection reports, and inspection results for the parcel, of any type (building, zoning, fire, electrical, or other), including any record of inspection conducted before or after issuance of any permit.*
25. *All certificates of use and occupancy (and applications therefor) issued, denied, or pending for the parcel, including for the haunted attraction use and for any club, social-club, or overnight-accommodation use.*
26. *Any record reflecting commencement of work or use prior to issuance of a permit, including any doubled-fee assessment under Zoning Ordinance § 11.2.A.1, and any stop-work order issued for the parcel.*
27. *All permits, applications, and records concerning the swimming pool at the parcel, including any record filed or indexed under a "Menges Mill Road" address.*
28. *The identity of any third-party agency or individual serving as the Township's Building Code Official, Uniform Construction Code administrator, or inspection agency for the parcel, and all permits, plan reviews, inspection records, and correspondence concerning the parcel held by the Township by virtue of that relationship.*

V. Land development, SALDO, and outside-agency review

- 29. All land development and/or subdivision plan submissions for the parcel, in any version or revision.*
- 30. All engineering and plan-review correspondence and reports concerning the parcel, including all reviews by C.S. Davidson, Inc. and by GHI Engineers.*
- 31. Any waiver request under the Subdivision and Land Development Ordinance for the parcel and any action taken on such request.*
- 32. Any Board of Supervisors action (approval, conditional approval, denial, or conditions imposed) on any land development or subdivision plan for the parcel, and any plan recorded or submitted for recording.*
- 33. All correspondence and transmittals between the Township and the York County Planning Commission concerning the parcel, including all records associated with YCPC File #30-25-01-27-0016.*
- 34. All pre-application, sketch-plan, or informal-review records concerning the parcel, and all records of any Heidelberg Township Planning Commission referral, review, recommendation, or action on any plan for the parcel.*
- 35. All stormwater management plan submissions, reviews, and approvals for the parcel.*
- 36. All records of the sewage planning module, Sewage Enforcement Officer review, and/or Pennsylvania Department of Environmental Protection review for the parcel that are in the Township's possession.*
- 37. All records of erosion-and-sediment-control review or York County Conservation District approval for the parcel that are in the Township's possession.*

VI. Enforcement and complaints

- 38. All notices of violation, enforcement notices, and citations issued concerning the parcel.*
- 39. All complaints received by the Township concerning the parcel or either business (including zoning, building, occupancy, noise, nuisance, or other complaints), and all Township responses thereto.*
- 40. The Township's zoning enforcement log or record to the extent it references the parcel or either business.*
- 41. All correspondence concerning compliance or enforcement at the parcel.*

VII. Use-specific records — The Korral and any predecessor adult-related or social-club use

- 42. All records concerning the adult-related or social-club use at the parcel operating as “The Korral,” and any record concerning a predecessor or related use of the same operation known as “Hedo Farm Resort” or “The Farm Travel Club” (thefarmtravelclub.com), including any permit, occupancy, licensing, registration, or use record, and any record connecting such predecessor name or use to the parcel or to the Owner/Operator Parties.*
- 43. All records concerning overnight accommodations, private-stay rooms, or transient lodging at the parcel.*
- 44. All fire-safety, health, building-safety, or licensing records concerning the club or overnight-accommodation use at the parcel.*

VIII. Use-specific records — Kim’s Krypt Haunted Mill

- 45. All records concerning the business or use operating as “Kim’s Krypt Haunted Mill” at the parcel, including any permit, occupancy, or seasonal-use record.*
- 46. All assembly-occupancy, fire-safety, and fire-marshall inspection records concerning the haunted-attraction use at the parcel.*

IX. Communications (email, text, and other electronic messages)

This section requests Communications as defined above. So that the search is complete and answerable, the requester asks the Township to treat each custodian listed in the table below as a separate item, and to search and produce all Communications concerning the parcel for each custodian for the period January 1, 2011 to the present.

- 47. All Communications between any Township official, employee, or agent and any of the Owner/Operator Parties (as defined above) concerning the parcel.*
- 48. All internal Communications among Township officials, employees, or agents concerning the parcel.*
- 49. All Communications reflecting any prior Township Manager’s review, handling, conditioning, withholding, or denial of any permit, approval, or plan for the parcel.*
- 50. For each custodian identified in the table below, all Communications concerning the parcel. Each custodian is a separate item for response.*

#	Custodian	Role/Title
1	Chris Walker	Zoning Officer / Building Code official

2	<i>Judy Mustard</i>	<i>Township Manager / Open records Officer</i>
3	<i>Timothy R. Hanse</i>	<i>Chairman, Board of Supervisors</i>
4	<i>All other members of the Board of Supervisors</i>	<i>Supervisors (each, individually)</i>
5	<i>Katie Holmes</i>	<i>Township Secretary</i>
6	<i>Township Solicitor</i>	<i>Solicitor to the Township / Board of Supervisors</i>
7	<i>Andy Brough</i>	<i>Chairman, zoning Hearing Board</i>
8	<i>Jay Kalasnik</i>	<i>Solicitor, Zoning Hearing Board</i>
9	<i>C.S. Davidson, Inc.</i>	<i>Township Engineer (and GHI Engineers, as applicable)</i>
10	<i>Prior Township Manager(s)</i>	<i>Predecessor(s) to the current Township Manager</i>

Format of Communications. Please produce Communications in native electronic format, retaining all metadata, including the sender, all recipients (including cc and bcc), date and time stamps, subject lines, and any attachments. Please do not produce email or messages solely as flattened images, screenshots, or printouts that omit sender, recipient, or date/time routing information.

X. Financial and meeting records

51. All invoices, fee assessments, escrow records, and payment records concerning the parcel, including application fees, engineering-review fees, and any doubled fees.

52. All minutes and agendas of the Board of Supervisors, the Planning Commission, and the Zoning Hearing Board that reference the parcel or either business, for the period January 1, 2011 to the present.

Appeal Caption: ***Hudak v. Heidelberg Township, OOR Dkt. AP 2026-3442***

I, **Judy Mustard**, hereby declare, pursuant to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, that the following statements are true and correct based upon my personal knowledge, information, and belief:

1. I, Judy Mustard, Township Manager, serve as the Agency Open Records Officer (“AORO”) for the **Heidelberg Township** (“Agency”) and am responsible for responding to Right—to-Know requests filed with the Agency.
2. In my capacity as Township Manager and AORO, I am familiar with the records of the Agency.
3. The Township received the request underlying this appeal on July 9, 2026 and invoked a 30-day extension of time to provide a response.

4. Upon receipt of the request, in conjunction with the Township Secretary, Katie Holmes, and after consultation with Township personnel and officials who would be reasonably likely to possess or know the location of responsive records including the Zoning Officer, I conducted a good faith search for records responsive to the request.
5. Specifically, I searched physical records maintained at the Township building, including filing cabinets and the Township records room, and electronic records maintained on Township office computers and other locations where responsive zoning, code enforcement, SALDO, stormwater, lien, Zoning Hearing Board, correspondence, building permits and plans, financial and enforcement-related records would reasonably be expected to be stored if they existed. I also contacted all persons listed in the request and asked them for communications related to the parcel in questions.
6. I was not able to locate all of the responsive records believed to be within the possession, custody or control of the Township before the end of the 30-day extension.
7. On August 17, 2026, the Township requested an additional mutually agreed upon extension of time from Mr. Hudak to facilitate its search for responsive records to the voluminous request, which he refused.
8. As a result of the Township's good faith search, the Township issued its response on August 18, 2026, enclosing records it located to that point in time as responsive.
9. Following the provided response, I continued to conduct a search of the Township's records and through August 26, 2026, I discovered more records responsive to the request. These records were then provided to the requester in a supplemental response dated September 2, 2026.
10. Beyond the responsive public records made available I did not locate additional records responsive to the remaining portions of the request in the Township's possession, custody, or control.

Date: 9-2-26

Signature: Judy Mustard
Judy Mustard
Agency AORO
Heidelberg Township