

February 11, 2022

Dover Township Zoning Hearing Board  
c/o Chairperson Jane Ginter  
2480 West Canal Road  
Dover, Pennsylvania 17315

**Re: CGA Law Firm- Timeline for Hearings in ZHB 21-3**

To the Zoning Hearing Board of Dover Township:

The CGA Law Firm was retained on February 10, 2022, to represent the “Keep Dover Beautiful” citizens group in opposition to the application submitted by Dover Solar I, LLC to the Dover Township Zoning Hearing Board (“ZHB”). This application proposes the installation of a roughly 800-acre Principal Solar Energy System (“PSES”) in the northeastern portion of the Township (“ZHB 21-3”). Members of the “Keep Dover Beautiful” citizens group have homes directly adjacent to the parcels on which this utility solar farm is to be constructed—namely, on Temple School Road, Nursery Road, and East Canal Road.

It is my understanding that the ZHB intends to bring the ZHB 21-3 proceeding to a conclusion in February of 2022. However, we believe that concluding this proceeding in February 2022 would deny the concerned citizens of Dover Township their statutory right to be represented by counsel, to respond, to present evidence, to prepare arguments, and to cross-examine adverse witnesses on all issues relevant to this application.

Upon reviewing the ZHB’s November through January meeting minutes, it is clear that CGA enters its appearance after the applicant has already presented its case-in-chief. We are in the process of retrieving the transcripts from these meetings in order to catch ourselves up to speed with the testimony and evidence presented. Furthermore, we are in the process of identifying and selecting expert witnesses to assist in the presentation of our case. Given the short notice, CGA and the expert witnesses require more time to adequately review the prior testimony, research the relevant data, and prepare an effective case. The concerned citizens of Dover Township deserve nothing less.

According to the Municipalities Planning Code, Dover citizens opposed to this application have 100 days, as of the first hearing held after the applicant’s case-in-chief, to present their opposition. 53 P.S. § 10908(1.2). It is my understanding that the applicant presented its case-in-chief on December 15, 2021, as well as on January 19, 2022. Therefore, those opposed to this application have 100 days to present their case, beginning

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Of Counsel:  
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Tina H. Fox

Jon C. Countess (1964-2014)  
Gary M. Gilbert (1940-2022)  
Peter R. Andrews (Retired)

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Court of Common Pleas  
Judge

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on the first hearing after the January 19<sup>th</sup> hearing. Thus, my clients should be given the opportunity to present their opposition to this application during the February, March, and April meetings.

In 2020-2021, the ZHB in Mount Joy Township, Adams County had hearings regarding a similarly-sized PSES that lasted for an entire year. While CGA does not anticipate that presenting its case would take a year, it does request that the ZHB does not conclude the hearing in February and permit CGA to adequately prepare and present its case at the March meeting.

CGA respectfully requests that the Dover ZHB not conclude this proceeding at the February meeting and recognize the right of those in opposition to have more time. CGA respectfully requests that the Dover ZHB permit CGA to present its case-in-chief at the March meeting as of right, or by means of a continuance. This decision—a decision which involves the use of roughly 3% of the land in Dover Township—is a decision that the Dover ZHB must make carefully and correctly. Accomplishing this will require that all parties involved be given the opportunity to review, prepare, and present their respective case.

I look forward to your prompt response to this request.

Sincerely,

Craig Sharnetzka

CSS/JRW

cc: Dover Township Solicitor Mike Craley  
Zoning Officer John McLucas  
David Jones, Esq.  
“Keep Dover Beautiful” Citizens Group