

EAST COCALICO TOWNSHIP

100 Hill Road, Denver, PA 17517
717-336-1720 · www.eastcocalicotownship.com

ZONING HEARING BOARD APPLICATION

1. APPLICANT:

Name: MAN Contracting, Inc.
Address: c/o Michael Nix PO Box 9, Denver PA 17517
Phone: 717-336-4466 Cell: _____ Email: _____

2. OWNER (if other than applicant):

Name: Man Real Estate, LLC
Address: 90 Hertzog Valley Road, PO Box 9, Denver, PA 17517
Phone: 717-336-4466 Cell: _____ Email: _____

3. APPLICANT'S ATTORNEY/REPRESENTATIVE, IF APPLICABLE:

Name: J. Dwight Yoder, Esq.
Address: 2933 Lititz Pike, PO Box 5349, Lancaster, PA 17606
Phone: 717-291-1700 Cell: _____ Email: dyoder@gkh.com

4. PROPERTY INFORMATION:

Address/Location: 36 Muddy Creek Road, Denver, PA 17517
Lot Size: 0.38 acres Width: _____ Depth: _____
Zoning District: C-1 Commercial Tax ID No. 080-55984-0-0000
Present Use: Unimproved
Proposed Use/Purpose for Which Hearing is Sought: Construction of four-unit apartment building
Variance from Section 220-144.A and, in the alternative, a claim of equitable estoppel and vested rights
Reestablishment of variance from Section 220-144.A that was previously granted so that building permits can be
issued based on zoning officer's position that prior zoning approval expired; in the alternative an appeal of the
zoning officer's determination as well as a claim of equitable estoppel and /or vested rights to proceed according
to the recorded land development plans

5. APPLICATION IS MADE FOR:

- ☒ A. Variance from Requirement(s) of the Zoning Ordinance - see page 2
☐ B. Special Exception under the Zoning Ordinance - see page 3
☒ C. Appeal Zoning Officer Determination or Enforcement Notice - see page 3
☒ D. Other Type of Appeal, as provided for by the PA Municipalities Planning Code - see page 3

FOR TOWNSHIP USE

ZHB Case No. 24-784 Date Complete Application Received: 3/6/24
Zoning Hearing Board Hearing Date(s): _____
Date of Zoning Hearing Board Decision: _____
Date of Written Decision: _____
Date Decision Mailed to Applicant(s): _____

A. VARIANCES - The following information shall be provided for variance applications:

1. Include:

- (a) The Zoning Ordinance section(s) from which relief is sought: Section 220-144.A
- (b) A written description of the requested variance, along with a description of the hardship that is being alleged, and reasons why the variance should be granted, and
- (c) A site plan with sufficient detail and accuracy so as to present the nature of the request and the unique site conditions that create hardship to strict compliance with the Zoning Ordinance.
- (d) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

2. Describe the unique physical circumstances or conditions of the property, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions, that create an unnecessary hardship that prevents it from being used in a manner that is consistent with the Ordinance: _____

Please see Zoning Hearing Board Decision 721-19 attached at Exhibit "A" and February 28, 2024 letter to Tommy Ryan, Township Manager attached as Exhibit "B."

3. Describe how because of such unique physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the Ordinance, and therefore the granting of a variance is necessary to enable the reasonable use of the property: _____

Please see attached exhibits.

4. Explain why the unnecessary hardship has not been created by the applicant: _____

Please see attached exhibits.

5. Explain why the variance, if granted, will not alter the character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare: _____

Please see attached exhibits.

6. Describe how the variance, if granted, will represent the minimum variance that will afford relief, and will represent the least modification possible of the relevant Ordinance provision(s): _____

Please see attached exhibits.

(attach additional sheets of paper if necessary)

B. SPECIAL EXCEPTIONS – An application for a special exception must demonstrate compliance with the general requirements of Section 220-142.C(2) below, as well as any use-specific requirements.

1. Include:

- (a) Ground floor plans and elevations of proposed structures,
- (b) Names and addresses of adjoining property owners, including properties directly across a public right-of-way,
- (c) A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance, and
- (d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of the Zoning Ordinance.

- 2. The proposed use shall be consistent with the purpose and intent of this chapter;
- 3. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- 4. The proposed use will not substantially change the character of the subject property's neighborhood;
- 5. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, solid waste disposal, vehicular access, etc.)
- 6. The proposed use shall comply with those criteria specifically attached to it. In addition, the proposed use must comply with all other applicable regulations contained in this chapter;
- 7. The traffic generated by the proposed use shall be safely and adequately accommodated during peak and nonpeak periods, or improvements made by the applicant shall be made in order to effect the same;
- 8. The proposed use shall be in and of itself properly designed with regard to internal circulation, parking, buffering, screening, and all other elements of proper design, as required by this chapter and any other federal, state or local ordinance, law or regulation;
- 9. The proposed use will not have deleterious impact on adjoining properties or the neighborhood, due to impacts and/or by-products of the proposed use, such as noise, dust, odor, smoke, litter, glare, heat, radiation, electromagnetic interference, etc.;
- 10. The proposed use will not substantially impair the integrity of the Comprehensive Plan; and
- 11. For development within the Floodplain Zone, the application shall comply with those requirements listed in § 220-19 of this chapter.

C. APPEAL OF ZONING OFFICER DETERMINATION OR ENFORCEMENT NOTICE – These include, but are not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot. Attach copies of enforcement notices or other relevant documentation.

D. OTHER TYPE OF APPEAL – The PA Municipalities Code gives municipal Zoning Hearing Boards the jurisdiction to hear appeals and render decisions on the following matters:

- 1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 (landowner curative amendments) and 916.1(a)(2) (validity of ordinance).

2. Appeals from a determination by a Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
3. Appeals from the determination or any officer or agency charged with the administration of any transfers of development rights (TDRs) or performance density provisions of the Zoning Ordinance.
4. Appeals from the Zoning Officer's preliminary determination (MPC Section 916.2).
5. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not relating to land development or planned residential development.

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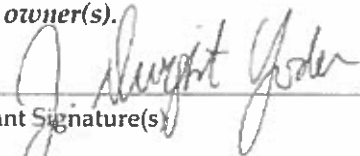
Please submit seven (7) copies of the application, plans, list of adjoining property owners, photographs, all other supporting documentation, and the correct application fee to the East Cocalico Township Office. Note the Township must receive a complete application package and correct fee to be scheduled for a hearing.

The Zoning Hearing Board generally meets on the second Wednesday of each month. Applications to the Zoning Hearing Board must be received at the Township Building no later than the first business day of the month prior to the month of the hearing (*read: about six weeks before the meeting*).

THIS IS A LEGAL PROCEEDING; YOU MAY WANT TO CONSIDER HAVING AN ATTORNEY REPRESENT YOU AT THE HEARING.

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To the best of my/our knowledge and belief, all information submitted herein is true and complete. NOTE: The application MAY NOT be signed by an agent, but MUST be signed by the applicant(s) and/or owner(s).


 Applicant Signature(s)

March 5, 2024
 Date

J. Dwight Yoder, Esq. as Attorney for Applicant
 Print Applicant Name(s)

Owner Signature(s)

Date

Print Owner Name(s)

EXHIBIT A

**THE ZONING HEARING BOARD OF THE TOWNSHIP OF EAST COCALICO
LANCASTER COUNTY, PENNSYLVANIA**

IN RE:

APPLICATION OF MUDDY CREEK)	
CHURCH ROAD PROPERTIES, LLC., FOR)	
THE PROPERTY AT LOT # 20, 36 MUDDY)	
CREEK CHURCH ROAD, DENVER,)	
PENNSYLVANIA 17517.)	
APPLICANT IS REQUESTING A USE)	NO. 721 - 19
VARIANCE FROM SECTION 220-21.B TO)	
PERMIT A FOUR (4) UNIT APARTMENT)	
BUILDING, WITH PARKING IN THE FRONT,)	
TO BE ERECTED ON THE PREMISES.)	

I. DECISION

The Applicant's request for a use variance from Section 220-21.B to permit a four (4) unit apartment building, with parking in the front, to be erected on the premises within the Commercial District (C-1), is granted subject to the conditions set forth below:

1. The Applicant shall:
 - A. obtain all approvals and permits required by the Township Ordinances and Codes;
 - B. at all times comply with and adhere to the evidence presented to the Board, including, but not limited to, the sketches, plans, materials, exhibits and testimony presented or given at the hearing;
 - C. comply with any and all requirements of the duly constituted authorities and with the terms of any local, state, or federal regulations, ordinances, or statutes applicable to the property or its use;
2. The forgoing decision shall run with the land.
3. The Board's decision applies only to the specific relief requested and in no way approves any other relief that may have been revealed by the evidence presented.
4. Any violation of the conditions contained in this decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the PA. M. P. C.

5. An aggrieved party has thirty (30) days from the date of receipt of this decision to file an appeal with the Court of Common Pleas of Lancaster County, Pennsylvania.

II. FINDINGS OF FACT

1. The Applicant is Muddy Creek Church Road Properties, LLC. of 4 Rebecca Drive, Denver, Pennsylvania 17517.
2. Notice of the hearing was given by posting the subject property seven days prior to the hearing, sending written notice to the adjacent property owners, sending written notice to the Applicant, sending written notice to the Township Officials designated by the Code to receive notice, and by advertising the hearing in the Ephrata Review, a weekly newspaper of general circulation on November 27, 2019 and December 4, 2019.
3. The hearing commenced on December 11, 2019 at 7:30 PM in the East Cocalico Township Building, 100 Hill Road, Denver, Pennsylvania 17517. The testimony was closed when the Applicant rested.
4. The following persons appeared at the hearing and were sworn or affirmed, and testified: Anthony Luongo, Zoning Officer; David Weaver, Kingsway Realty and Steve Gergely, Harbor Engineering, for Applicant.
5. Applicant was represented by J. Dwight Yoder, Esq., Gibbel, Kraybill and Hess, LLP., 2933 Lititz Pike, P.O. Box 5349, Lancaster, PA 17606
6. A stenographic record was made of the proceedings.
7. Jeffrey Mitchell, Vice-Chairman of the East Cocalico Township Zoning Hearing Board recused himself from the hearing.
8. Ashley Fichthorn (Chairman), Amy Nedimyer (Secretary) and Brian Wise (Alternate) heard the Application on behalf of the East Cocalico Township Zoning Hearing Board.
9. The subject property is located on the southeastern side of Muddy Creek Church Road (S.R. 1059) in East Cocalico Township, Lancaster County, Pennsylvania .
10. The subject property is 99' x 180', +/- consisting of 16,442 square feet, net outside of the legal right-of-way.
11. The property is located within the General Commercial District (C-1).

12. The rear property line separates the General Commercial District (C-1) from the Suburban Residential District (R-1).
13. The western property line separates the General Commercial District (C-1) from the High Density Residential District (R-2).
14. The lot size and width are non-conforming for any permitted commercial use.
15. There are three (3) four-unit structures on each of the successive lots to the northeast of the property.
16. There is a non-conforming single family residence adjacent to the property, followed by three (3) successive townhouses and then six (6) row homes immediately to the southwest of the property.
17. To the north of the property across Muddy Creek Church Road, and along North Reading Road (S.R. 0272), is a commercial use, which is currently a pizza shop/ Italian restaurant.
18. At the time the property and adjacent lots were laid out, residential dwellings were a permitted use.
19. The property was the subject of a previous variance request for a four (4) unit apartment to the East Cocalico Township Zoning Hearing Board in 2016, and was docketed to No. 691-16.
20. By a decision dated August 10, 2016, the East Cocalico Township Zoning Hearing Board by a vote of two (2) "for", with one (1) "dissent", granted the previous request.
21. The previous variance request was from a predecessor in title, Timothy Youndt.
22. The predecessor's variance request lapsed August 10, 2018.
23. During the first half of 2018, Youndt pursued various development plans and permit applications with East Cocalico Township.
24. Muddy Creek Church Road Properties, LLC., purchased the property October 30, 2018.
25. David Weaver testified to the following for the Applicant, regarding himself and the property:
 - a. he is a Real Estate Agent with Kingsway Realty with 19 years experience;

- b. he has an educational background in architectural design;
 - c. he is familiar with the property and the neighborhood where the property is located, and also testified in 2016 on behalf of the predecessor in title;
 - d. he had listed this property on the PA Realtors' multi-listing sheet (MLS) for 1900 + days, marketing it as a commercial property, without success;
 - e. he testified that there are three (3) four-unit structures on each of the successive lots to the northeast of the property and there are three (3) successive townhouses and followed by six (6) row homes immediately to the southwest of the property;
 - f. another four unit residential structure is compatible with the neighborhood.
26. The Board qualified Dave Weaver as an expert witness in the sale of real estate and the marketability of the property. The Board also found him to be credible.
27. Steve Gergely testified to the following for the Applicant, regarding himself and the property:
- a. he has been a Registered Engineer since 2004;
 - b. he has prepared 100's of development plans since 2004;
 - c. he is familiar with the property and the neighborhood where the property is located;
 - d. he prepared the plot plan for Exhibit "A-4" and the proposed dwelling on the property will meet all setbacks, height and lot coverage criteria;
 - e. he testified that the ordinance requires a minimum lot width of 125 feet, and the property only has a lot width of 99.5 feet;
 - f. he testified that the lot is too small to meet the criteria in the ordinance, was compatible with the surroundings, will not affect the health safety or welfare of the neighborhood, and the hardship was created after the property was subdivided and rezoned.
28. The Board qualified Steve Gergely as an expert witness as a planning engineer and the Board found him to be credible.
29. In order for the Board to grant a use variance, Section 220-142.D.(2) of the East

Cocalico Township Zoning Ordinance requires the Board to make findings for subsections (a) thru (g) where relevant.

30. Subsection (a) of Section 220-142D.(2) requires the Board to find "That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographic or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or zone in which the property is located".
31. Here the lot cannot meet the minimum lot size and width for any of the permitted commercial uses.
32. The hardship is due to the lot size and was created prior to the property being zoned commercial and the minimum lot size and width being established.
33. Because of these conditions, the property cannot be developed in strict conformity with the provisions of the East cocalico Township Zoning Ordinance.
34. The applicant purchased the lot knowing of the physical hardship, but did not create the hardship which would exist no matter who owned the property.
35. The variance will not alter the essential character of the neighborhood.
36. The variance will be the minimum that will offer relief. There is nothing in this chapter that would require a smaller structure than is being proposed.
37. The only conditions being attached are the standard conditions.
38. No individuals entered their appearance or made comments in opposition to the application.
39. All exhibits were admitted without objection.

III. CONCLUSIONS OF LAW

1. The East Cocalico Township Zoning Hearing Board has jurisdiction. (Finding of Fact No. 9.)
2. Public Notice was given as required by law. (Finding of Fact No.2.)

3. Based on the materials, exhibits and testimony presented, there is substantial evidence presented to deny granting the relief requested.

IV. DISCUSSION

Substantial evidence is defined as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion". *Valley View Civic Association v. Zoning Board of Adjustment*, 464 A.2d 637 (1983).

The applicant presented substantial evidence in the form of a expert, credible testimony by David Weaver and Steve Gergely, that a hardship due to the physical characteristics of the lot does exist to support the granting of the relief requested. The applicant also presented substantial evidence in the form of testimony, a written narrative and plot plan. All of which the Board found credible.

The applicant requesting a variance has the burden of proving an unnecessary hardship will result if the variance is not granted and the granting of the variance will not be contrary to the public interest. *Valley View Civic Association v. Zoning Board of Adjustment*, 501 Pa. 550, 462 A. 2d 1637 (1983); *Zoning Hearing Board of the City of Wilkes Barre* 117 Pa. Cmwlth. Ct. 526, 543 A.2d 1282 (1988).

An applicant seeking a variance must establish that:

1. the ordinance imposes a hardship on the property;
2. results from the property's unique physical or topographical characteristics;
3. granting the variance would not impact the health, safety and welfare of the general public;
4. the hardship is not self inflicted;
5. that there is no possibility that the property can be developed in strict conformity with the provisions of the Ordinances and the authorization of the variance is therefore necessary to enable use of the property;
6. the variance sought is the minimum that will afford relief.

Hansen Properties III v. Zoning Hearing Board of Horsham Township, 566 A.2d 926 (1989); Vitti v. Zoning Board of Adjustment, 710 A 2d 653 (1998)

Board member, Amy L Nedimyer dissents stating she is opposed to allowing a four-unit residential structure to be erected on the subject lot. She finds that a two-unit not a four-unit residential structure is the minimum relief for the variance request. _____

ZONING HEARING BOARD OF THE TOWNSHIP OF EAST COCALICO

By: _____

By: _____

Dissenting:

By: _____

Dated and filed January 8, 2020 after a hearing on December 11, 2019, and decision rendered on January 8, 2020. Notice was hand delivered or mailed no later than January 9, 2020.

June 15, 2023

Steven P. Gergely
Harbor Engineering, Inc.
41 South Main Street
Manheim, PA 17545

Re: #20 Muddy Creek Church Road
721 of 2019

Dear Mr. Gergely:

The East Cocalico Township Zoning Hearing Board considered your May 15, 2023 request for an extension until October 12, 2023 on June 14, 2023 for the above property.

By a 2 - 1 vote the Zoning Hearing Board has granted your client an extension until October 12, 2023.

Should you have any questions, please feel free to contact me.

Sincerely,

E. Richard Young, Jr.

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cc: East Cocalico Township

EXHIBIT B

THE LAW OFFICES OF
GKH
ESTD 1977
GIBBEL KRAYBILL & HESS LLP
ATTORNEYS & COUNSELORS AT LAW

February 28, 2024

Via Email

Tommy Ryan
Township Manager
East Cocalico Township
100 Hill Road
Denver, PA 17517

Re: Building Permits - 36 Muddy Creek Road

Dear Mr. Ryan:

Michael Nix of Man Contracting and Steve Gergely of Harbor Engineering asked me to review the status of the building permits that were requested for the four unit apartment building proposed for 36 Muddy Creek Road ("Project"). My understanding is that even though the land development plans for this Project have been approved and recorded, that you advised Mr. Nix that you cannot issue the building permits because the extension granted by the Zoning Hearing Board to the zoning approval for the Project expired on October 12, 2023. My understanding is that you have instructed Mr. Nix that he will need to obtain a new approval from the Zoning Hearing Board before the building permits can be issued. The reason for my letter is to request that you reconsider whether additional zoning approvals are required before issuing the building permits. In this instant, because the land development plans were recorded before October 12, 2023, it is my opinion that the Municipalities Planning Code guarantees a landowner to commence construction on the project in accordance with the approved plans and prior zoning approvals.

By way of background, I represented the prior landowner, Muddy Creek Church Road Properties, LLC, before the Zoning Hearing Board in 2019. The Zoning Hearing Board granted zoning approval for the apartment building on January 9, 2020. Shortly after the Board's decision, the Covid-19 pandemic swept the country, leading to a complete shut-down throughout the state, followed by months of delays. This significantly interrupted the ability to move forward with his project. As you may recall, the General Assembly automatically extended zoning approvals during this time period because everything came to a standstill.

In 2021 and 2022, Mr. Gergely made significant progress towards finalizing the land development and stormwater management plans (the "Plans"). In fact, during this timeframe the Supervisors granted conditional land development plan approval. Unfortunately, Anthony Dimaria, the principal of Muddy Creek Church Road Properties, experienced significant health issues in 2022 that resulted in a number of hospitalizations. This understandably took his focus away from this project for a period of time. Accordingly, I requested, and the Zoning Hearing Board granted, an extension to secure the approvals necessary to move forward with this project until July 9, 2023.

Mr. Dimaria subsequently sold the property to Man Contracting in early 2023. Mr. Gergely proceeded to obtain an additional extension from the Zoning Hearing Board from July 9, 2023 until October 12, 2023 to be sure there was enough time to finalize and record the Plans and pull the building permits. On June 9, 2023, Mr. Gergely submitted the final approved Plans to you and copied the Township Engineer, Michael Reinert. On July 21, 2023, Mr. Nix submitted the building permit application to the Township. On August 2, 2023, Mr. Nix hand delivered to the Township the signed Plans that simply required Township signatures before they could be recorded. On September 14, 2023, Mr. Nix checked with the Township about the status of the Plans and the building permit. At that time, you indicated that the Township could not locate the signed Plans that had been delivered in early August. In addition, you explained that the building permit could not be issued until the Plans were recorded. On September 19, 2023, another set of signed Plans was delivered to the Township. These Plans were signed by the Township and Mr. Gergely recorded them with the Lancaster County Recorder of Deeds on September 26, 2023 (Document # 2023-0339-J).

My understanding is that only after the Plans were recorded did the Building Code Official review the building permit application. This review resulted in revised building plans being submitted. Unfortunately, the building permit was not issued before the October 12, 2023 extension expired. My understanding is that you instructed Mr. Nix he needs to return to the Zoning Hearing Board to obtain new zoning approval before the Township will issue the building permits.

I understand that your response likely is based upon the language of Section 220-144.A of the Township's Zoning Ordinance, which states "If a variance or special exception is granted, or the issuance of a permit is approved, or other action authorized, the necessary permit shall be secured and the authorized action begun within two years after the date when the variance or special exception is finally granted . . ." § 220-144.A. These provisions are in place to be sure that once landowners receive zoning approval they continue to work towards obtaining the subsequent approvals necessary for the project. Essentially, it is to avoid situations where a landowner receives zoning approval that sits dormant for years because the landowner has not taken any steps to obtain the subsequent approvals required to begin work on the project. I also would note that what approvals are required depends on whether the zoning approval involves land development, subdivision and / or stormwater management plans. If these land development related approvals are required, then that would be the next step a landowner needs to take. If not, then the next step a landowner would take is to obtain building permits.

In this case, obviously significant work was completed towards the approved apartment building. This resulted in the Plans being recorded prior to the end of the extension period granted by the Zoning Hearing Board. Thus, this is not a situation where there have not been meaningful steps taken to advance this Project.


In addition, it is my opinion that the term "permit" set forth in Section 220-144.A. must be interpreted broadly to include approvals of land development plans (when required) or issuance of other permits (when no land development plans are required). To not distinguish between zoning approvals involving projects that involve land development with those that do not involve land development would be inconsistent with the statutory guarantees set forth in the Municipalities Planning Code ("MPC"). Section 508 of the MPC provides that once a land development plan is approved, a landowner is guaranteed up to five years to commence and to complete the approved project in accordance with the approved plan (and prevents the

Tommy Ryan, Township Manager
February 28, 2024
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imposition of new requirements or conditions). 53 P.S. § 10508(4)(ii). Thus, once the Plans were approved and recorded, Man Contracting satisfied the Zoning Ordinance requirement for obtaining the necessary "permit" to begin the authorized action. In addition, the recorded Plans specifically reference the Zoning Hearing Board's January 8, 2020 zoning approval in the cover sheet and, therefore, Man Contracting has the right to proceed in accordance with that zoning decision. Accordingly, it is my opinion that by recording the approved land development plans prior to the expiration of the extension granted by the Zoning Hearing Board, Man Contracting satisfied Section 220-144.A. of the Zoning Ordinance and is entitled to proceed with this project in accordance with the recorded plans. In light of this analysis, I would ask you to reconsider whether the building permits can be issued for this Project without first returning to the Zoning Hearing Board.

Thank you for your consideration of this request. Please feel free to contact me if you would like to discuss this matter further.

Very truly yours,



J. Dwight Yoder, Esq.
dyoder@gkh.com

JDY/hjg

Encl.

cc: Client (*via email*)
Steve Gergely, Harbor Engineering
Matthew J. Crème, Jr. Esq. (*via email*)
Michael L. Reinert, P.I. (*via email*)