

IN RE: : BEFORE THE DICKINSON TOWNSHIP  
APPLICATION OF OPAL FUELS : ZONING HEARING BOARD  
: CUMBERLAND COUNTY, PENNSYLVANIA  
: DOCKET Z-2024-0003

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION APPROVING  
APPLICANT'S REQUEST FOR A VARIANCE**

The Applicant is seeking a variance from Chapter 205-131.M, which prohibits vehicle service, fueling, and or repairs. The applicant would like to add fill dispensers for a compressed natural gas fueling station. The compression of the gas would be located in South Middleton Township, over 1,000 feet away from the dispensers. The Dickinson Township Zoning Hearing Board held a public hearing on September 10<sup>th</sup> 2024 at 5:00 PM in the Dickinson Township Municipal Building.

**FINDINGS OF FACT**

1. The Applicant is Opal Fuels, with an address of 1 Ames Drive, Carlisle, Pennsylvania 17015 (the "Applicant").
2. The meeting of the Zoning Hearing Board was called to order on September 10, 2024, at 5:00 PM.
3. On the Agenda is hearing number one, Opal Fuels, asking for a variance to Chapter 205-131. The Zoning Officer received the application on July 15<sup>th</sup>.
4. Confirmation to the court reporter was sent on August 21<sup>st</sup>.
5. An email requesting newspaper ads was sent on August 14<sup>th</sup>.
6. Confirmation of newspaper ads August 14<sup>th</sup> as well.

7. Notified applicant by mail August 19th, dropped off packets to Zoning Hearing Board members.

8. The first newspaper ad was published on August 27<sup>th</sup>.

9. The Property was posted August 29<sup>th</sup>.

10. The second newspaper ad was published September 3<sup>rd</sup>

11. The hearing was held on September 10th

12. Mailed to surrounding property owners within 200 feet, also August 19<sup>th</sup>.

13. The Applicant is also asking for a special exception to the vehicle fueling restriction on the property.

14. The property is split by two Townships.

15. There will be a compressed natural gas station in South Middleton Township so all of the compressed natural gas equipment that processes the gas, that's going to be South Middleton Township, the way the property is laid out they currently park their tractor trailers on the Dickinson Township side.

16. Currently, the system does time-fill so they can fill overnight.

17. The gas is piped over to where the trucks are parked. and the trucks are hooked up and they fill, which is the reason they are looking for a special exception.

18. The system is not like traditional dispensers. It is literally a post and a hose that hooks up to the trucks, so there is not large infrastructure.

19. The posts and hoses are at the head of the parking stall and the parking does not change

20. The Applicant did not file an application for a special exception with the Township Zoning Officer.

21. There are time – filled facilities in Pennsylvania, that are used by school districts and school busses.

22. There are fast -fill pumps in on the South Middleton side where they currently fill their tractor trailers and they stack them up and fill them like a traditional gas station so it creates traffic and there's a lot of idling going on where with this setup they will park, drivers leave for the night, they fuel and there's no idling of trucks. There's no traffic with this type of system.

They currently are not running any vehicles on natural gas.

They would not be able to fuel at their station or facility.

It would not be feasible for them to run through some other station. So they would look at either reconfiguring their parking or they would redeploy these trucks somewhere else.

23. There are no stations nearby that they would be able to use, then there wouldn't be one large enough to support the 62 trucks that they are transitioning.

### **CONCLUSIONS OF LAW**

1. Sections 10910.2 of the Municipalities Planning Code (the "MPC"), 53 P.S. §10910.2, requires the Zoning Hearing Board to hear requests for variances. Section 910.2 further provides that in granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and Zoning Ordinance.

2. Section 910.2(a) of the Zoning Ordinance requires the Board to hear requests for variances and empowers the Board to grant, in specific cases, variances from the terms of the Zoning Ordinance as will not be contrary to the public interest, where because of special conditions, a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship. The Zoning Ordinance provides further that in granting any variance, the Board may


attach reasonable conditions and safeguards deemed necessary to implement the purposes of this act and the zoning ordinance.

**DECISION**

In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Zoning Hearing Board, the request for a variance to Chapter 205-131 is granted, conditioned on the following:

1. Applicant shall comply with all applicable requirements of the Zoning Ordinance;  
and
2. Applicant shall comply with all applicable requirements of the Storm Water Management Ordinance.

This decision is executed and issued this 23 day of October, 2024 by the Dickinson Township Zoning Hearing Board.

  
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Paul Strizzi, Chairman

  
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Lisa Feerar

  
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Michael Kistler